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THE CHURCH OF THE COVENANT

1638-1651.

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ABBREVIATIONS

The following abbreviations have been used in the footnotes:

<u>APS</u>	<u>Acts of the Parliaments of Scotland.</u>
<u>Balfour</u>	<u>Historical Works of Sir James Balfour</u> , 4 vols., 1824-5.
<u>BH</u>	<u>Memoir of James and William, Dukes of Hamilton</u> , by G. Burnet, 1852.
<u>BLJ</u>	<u>Letters and Journals of Robert Baillie, 1637-62</u> (Ed. D. Laing), Bannatyne Club, 73.
<u>HP</u>	<u>Hamilton Papers</u> (Ed. S. R. Gardiner) Camden Society, 1880.
KS or KSR	Kirk Session Record.
<u>LD</u>	<u>Large Declaration of Charles I</u> , 1639.
<u>Peterkin</u>	<u>Records of the Kirk</u> (Ed. A. Peterkin) 1843.
PR	Presbytery Record.
<u>RMS</u>	<u>Registri Magni Sigilli Regum Scotorum.</u>
<u>RR</u>	<u>Relation ... by John, Earl of Rothes, 1637-8</u> (Ed. D. Laing).
<u>RPCS</u>	<u>Register of the Privy Council of Scotland.</u>
SR	Synod Record.
<u>WD</u>	<u>Wariston's Diary</u> (Ed. G. M. Paul and D. H. Fleming) Scottish History Society, 61, II 18, III 34.
BR	Burgh Records.
<u>RCGA</u>	<u>Records of the Commission of the General Assembly</u> (Ed. A. F. Mitchell and J. Christie) SHS., 11, 25, 58.

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SUMMARY

This thesis is essentially a study of the origins of the ministers and elders of the church of Scotland as they were during the revolutionary years from 1638 to 1651. The conclusions thus established have been applied, first on a national and then on a local level, to the interpretation of the period. Broadly speaking, the church, after serving as the vehicle for a baronial revolt during the late thirties, fell, to some extent by default, into the hands of its ministers. The "imperious masters", who had posed as ruling elders in the Glasgow Assembly, were gradually displaced by lesser men, usually husbandmen or feuars, content to accept the ideological authority of the professional minister who often came from the same background. The church became the voice of those who were excluded from Parliament and from the traditional system of local administration based on heritable jurisdiction. The church, as it eventually developed, was not merely a state within a state; it promised a new society and thus threatened to subvert the old one.

CHAPTER ONE

THE SILENT REVOLUTION

"Ye are not like a tree lately planted, that oweth the fall to the first wind." The fifth Earl of Montrose was, of course, seeking to enmesh his sovereign in a conspiracy that was due to mature in the Parliament of 1641, but his words surely had a deeper meaning. He was remembering the inheritance that the sixteenth century had bequeathed to the seventeenth. He was addressing, at once eloquently and censoriously, a King in torment - a King whose father had nearly always been in torment. He was rejoicing in the downfall of a proud and mighty church; but, again remembering the tribulations of James VI, he feared the advent of another no less arrogant. Above all, he was lamenting the rule of the over-mighty subject, the "most insatiable and insupportable tyranny of all" - and this was far from new. He was describing, allusively but learnedly enough, the incessant struggle between the Crown, the Church and the magnates, which had always seemed to be dragging the kingdom to, though never beyond, the edge of anarchy. It was a struggle which only a strong King could resolve: "suffer them not ... to dispute of your power; it is an instrument never subjects yet handled well"(1). He caught the essence of late feudal Scotland. The Crown, tortured by its interminable minorities, was often weak and

(1) M. Napier, Memorials of Montrose, Maitland Club, 1848-50, I, pp. 268-71.

occasionally contemptible; but it always survived.

Scottish society in the sixteenth century can reasonably be likened to a mosaic of tiny fragments, each the heritable property of a local baron and each enjoying a measure of independence from the central government. In some areas at least, the fragments were forming themselves into a simpler pattern as the larger magnates gradually swallowed up their smaller neighbours to form "baronial complexes" of formidable local power (2). These in their turn periodically coalesced to form alliances, which often professed an ideological purpose. It is at least arguable that the substance of power in sixteenth century Scotland resided in the baronies and regalities of the countryside rather than in a central bureaucracy which, though growing, was still small and impoverished. The words in liberam baroniam are scrawled indelibly across the pages of Scottish history.

It follows inescapably from this that the very existence of the state was often threatened; but its

(2) T. I. Rae, The Administration of the Scottish Frontier, 1513-1603, 1966, pp. 15-17. Dr. Rae's study is, of course, based on the Border Region. He points out that, in some cases, baronies were bought by magnates from different areas and that, in these cases, the jurisdiction of the magnate became less effective.

weakness always proved its salvation. The appearance of a powerful and seemingly invincible faction would, as if by some immutable law, stimulate the growth of a counter-alliance. Weakness at the centre was reflected in strength around the periphery, but division on the periphery always preserved the centre more or less intact. The appearance of anarchy concealed an institutional structure of astonishing stability. "Ye are not like a tree lately planted."

The greatest of the "baronial complexes" was formed by the vast sprawling empire of the old church. Its temporalities were disposed strategically through the length and breadth of lowland Scotland and many of them were regalities from which the King's officers could be excluded. It drew the teinds of more than five-sixths of the parishes of Scotland - and these included all the wealthiest (3). It can be estimated that the corporate wealth of the church yielded an annual income of some £400,000 per year on the eve of the Reformation at a time when the patrimony of the Crown amounted to a mere £17,500 per year (4). But, by this time, the church was a

(3) I. B. Cowan, The Parishes of Medieval Scotland, S.R.S., XCIII, 226. The unappropriated parishes are almost all either small or situated in relatively remote areas.

(4) Cf. G. Donaldson, Thirds of Benefices, S.H.S., 3rd Series, XLII p. xv.

corporate institution only in a rather nominal sense; for the sixteenth century, as much before 1560 as afterwards, was, above all else, the age of secularisation. The Crown and the factions, at odds though they might be about almost everything else, could find common ground and common plunder in the gradual erosion of the wealth and power of the church. Church property, teind and temporality alike, was regularly granted to lay commendators who would eventually - as one century's parting gift to another with a different set of values - develop into Lords of Erection closely resembling the feudal magnates. Nor were these transactions narrowly financial in their scope; the commendators and the Lords of Erection were granted the superiority of the lands on which their dynasties were founded; they acquired the right of jurisdiction over their vassals. They took their place in the carefully graded society of feudal Scotland. Power was gradually transferred from the church to the factions and the process was accelerated by the church itself. The vital office of bailie of regality had often been vested heritably in the family of a neighbouring laird or nobleman. The trappings of power remained with the abbot or bishop concerned, but its substance had been delegated to a magnate. The old church was too tired to defend itself; the new one would be less restrained.

These trends made significant adjustments to an essentially feudal society without undermining its

foundations. Blood was drained out of the first estate and transfused into the second. And yet a new estate was being born and providence would smile upon it. Under the terms of a feu charter, the superior retained the rights inherent in his superiority, while alienating the fruits of his land to a sub-vassal. In return, the feuar contracted to pay an annual duty, which was fixed in perpetuity, and, in some cases, a capital sum, which is probably best regarded as a composition for part of the duty. The feuing of church land created a new situation among the broad acres of the temporalities. Henceforth there would be two landowners to each parcel of land, the superior with his primarily judicial function and the feuar with his essentially commercial role. Their interests were different - and the difference would widen with the passage of time.

The "long upward heave" of Scottish prices during the sixteenth century is well recognised. It has been calculated, on the basis of controlled prices in burghs, that the cost of living rose at least fourfold between the minority of Mary and the death of James VI. (5). The rather longer series available for the burgh of Edinburgh suggests that the price of ale increased sixfold, and that

(5) S. G. E. Lythe, The Economy of Jacobean Scotland, 1960, pp. 109-11.

of bread eightfold, between the 1530s and the turn of the century (6). It seems likely that agricultural prices which are more directly to our purpose, were behaving in much the same way. In Fife, where a long series of conversion prices has survived, barley sold at about 14/- per boll in the late thirties and early forties (7), at about 116/- per boll during the nineties and at about 140/- per boll during the 1620s and 1630s, when prices had ceased to rise rapidly (8). As a very rough approximation, it would seem that agricultural prices increased almost tenfold between the latter years of James V and the earlier years of Charles I.

The impact of this inexorable process on the relationship between superior and feuar, though usually imperceptible in the short term, would eventually be as violent as it was final. Rents, at least in the arable

(6) Extracts from the Records of the Burgh of Edinburgh, volumes covering the years 1528 to 1603.

(7) R. K. Hannay, Rentale Sancte Andree, S.H.S., 2nd Series, 1913, passim.

(8) Fiar's Prices; Fife Sheriff Court Records (S.R.O.). I am most grateful to Mr. J. Moore for allowing me to use his transcript of these records. Mr. Moore is currently engaged in a full-scale study of Scottish Prices and he may well arrive at a different figure. The writer's estimate is relatively crude.

areas of the Lowlands, were almost invariably calculated in kind (9). They rose automatically as prices increased. The income of the feuar was protected from inflation at a time when his expenditure was effectively being reduced. Feu duties were usually expressed in terms of a currency which depreciated with each passing year; by the 1630s they were trivial. But these payments by the feuar were, or at least originally had been, a major component of the landed income of the superior. The price rise flattered the vassal and snarled viciously at his lord.

Nor is this the whole of a rather complicated story. The teind surveys carried out in 1627 strongly suggest that agricultural yields were rising fairly rapidly at least where circumstances were favourable. On many estates, rent and teind alike were being augmented by extensive "labouring and liming" (10). The rate of increase varied considerably; but gains of about a third were relatively common, presumably on land which responded favourably to lime. In St. Cuthbert's, a prosperous parish busily striving to feed a hungry city, yields seem to have been doubled by the simple, if

(9) 17th century Valuation Rolls normally draw a distinction between rents paid in money and rents paid in kind.

(10) Reports on Parishes in Scotland, Maitland Club, 1836. See especially the parish of Tranent, pp. 135-6.

laborious, expedient of dumping Edinburgh's inexhaustible supply of dung on the fields around its boundaries (11). It would be absurd to conjure up an agricultural revolution from the evidence of a scattered handful of parishes; but it is fair to conclude that prosperity was increasing and that the profits from it were shared between the titular of the teinds, the feuar and his tenants. The superior, passively collecting his devalued feu duties, did not necessarily participate.

It is sometimes possible to measure the extent of the superior's loss. In the 1630s, the total income from rents and teinds in the Lordship of Coupar amounted to rather less than £40,000. The income actually received by Lord Coupar was, by contrast, just over £7,000 of which nearly £6,000 came from teinds. This in its turn was reduced by the various burdens upon it - mainly ministers' stipends - to £5,400. To look at the same question in a slightly different way, the collective income of the feuars, less the teinds which were drawn from their lands, was rather more than £30,000; the feu duties paid by them to Lord Coupar totalled a mere £1,100. The loss may modestly be described as catastrophic. If Coupar can be regarded as fairly

(11) Valuation of lands and teinds belonging to Lord Holyroodhouse (Edin. City Archives, Moses Bundles, 197, no. 7103).

typical, the smaller Lordship of Culross provides an interesting extreme case (12). It would seem that most of the lands had been feued cum decimis inclusis and the income from teinds had depreciated with the feu duties. An estate, which had once, in 1561, been worth £1,600 (13) and which would now, in the withered pounds of 1617, have been worth nearly ten times as much, was "super-expendit". The Abbey of Culross had been cruelly violated.

It is sufficiently clear that the feuing of church lands, operating as it did in a period of rapidly rising prices followed by another of notable agricultural improvement, eventually brought about a vast transfer of wealth from superior to vassal - and this poses the vital question of the identity of the vassals concerned. A recent study, as exhaustive as it must surely be definitive, has revealed the fact that about two thirds of these transactions granted lands to the tenants who had previously occupied them and that the vast majority of these tenants had themselves actually been cultivating the lands concerned. A new race of "bonnet lairds" had been created. The remaining third was divided between wealthy townsmen, usually merchants

(12) Particular Tax Rolls, S.R.O; Coupar, 1630; Culross, 1617.

(13) D. Easson, Medieval Religious Houses of Scotland, 1957, p. 63.

or lawyers anxious to establish country estates, and the magnates or their families (14). It is reasonable to conclude that the vast majority of the grants had the effect of transferring land, and most of the income from it, from the feudal classes to other social groups outside the privileged circle of the ancien régime.

Seventeenth century Scotland was still, to all outward appearances, a land of baronies and regalities. Its Parliament was still a gathering of tenants-in-chief in communion with their sovereign. It had no place for feuars however wealthy or deserving they might be. To put the same point slightly differently, the landed income of the superior had, however inadvertently, been alienated; but his rights of jurisdiction were not his to alienate, even if he had wished to lose them. A barony could only be created by the Crown. In the very nature of things, the feuar, for all his wealth, remained a vassal, bound to accept the authority of his superior. He was excluded from the power structure of a society which was still outwardly feudal in character. The basic assumption of any feudal society - that landed power

(14) Margaret H. B. Sanderson, Kirkmen and their tenants on the eve of the Reformation, RSCHS, XVIII, I, 1972, p.41. Dr. Sanderson's work, as revealed in this article as well as in conversation, has made a substantial contribution to the argument presented in this chapter.

springs directly from the heritable ownership of landed wealth - was denied and this was a genuinely revolutionary development. The transformation was virtually confined to the temporalities, for the feuing of secular estates was almost certainly a much slower process. But the temporalities were large and widely scattered. It would not be extravagant to claim that Charles I inherited a social structure that his great-grandfather would scarcely have understood. The intervening years had witnessed the slow but certain unfolding of a revolutionary process that was unobtrusive and thus almost unobserved, unpremeditated and thus imperfectly understood. But the ultimate impact, silent though it may have been, was as final as it was fundamental. The Scotland of Charles I wore feudal clothes, but it carried them a trifle uneasily.

The flaming torch of revolutionary Calvinism was thrust, in mid century, into kindling already combustible enough. It must have seemed obvious to the most superficial observer that Scotland was politically unstable. It was only less clear that the old church was slowly completing the melancholy sequence of self destruction. More insidiously, the price rise wrought its silent havoc. Scotland was ripe for revolution.

The ideology of the revolution, the distilled essence of a theological system of almost infinite

subtlety, was far from inappropriate. Mankind, it was claimed, was totally corrupt - and John the Commonweill would not have dissented from this. But some, though not all, had been chosen for salvation by a God who was as omnipotent as he was inscrutable - and were not the Scots, for all their sins, a chosen people? It followed inescapably from this that no man could shape his own eventual destiny, that his behaviour in this world was, in the last analysis, totally irrelevant. It is not difficult to understand the profound emotional impact of this appeal on a society which was, in the nature of things, riddled with doubt and insecurity. The individual was caught up in a scheme so majestic in its vastness that his own difficulties, whether personal or political, dwindled into insignificance. The situation demanded a strong King - whom Lindsay called Divine Correction - and godly preachers - like Lindsay's Doctor of Divinity - to expound the new doctrine. In the absence of the one, the other became doubly desirable. For, though it might be true that only God could save, it was also true that the process of redemption could only manifest itself in a society that was consciously godly in its principles. "There is no entering into life unless the church conceives us in her womb, brings us to birth, nourishes us at her bosom and preserves us by her

guardianship and discipline" (15). It became the business of the church to regulate the life of every citizen from the King to the cottar.

Calvinism made its appeal on two more or less distinct levels. On the one, it was proudly aloof from mundane affairs; in this shape, it was not necessarily revolutionary and it discovered an eager audience among the political classes. On the other, it was almost obsessively concerned with human conduct and this would inevitably lead it into collision with the state; more than this, it would eventually justify the construction of a new apparatus of government, founded on different principles from the old and operated by ministers and elders who might be drawn from different social strata. In this - its second-guise, Calvinism could only be revolutionary in its implications and might well be revolutionary in fact. Indeed, the political circumstances of sixteenth century Scotland would virtually force the church into the centre of a stage left vacant by the weakness of the Crown. And a new estate - the feuars and the farmers in the countryside, the lawyers and the craftsmen in the towns - were waiting in the wings. The bosom of the church was as ample as it was

(15) J. Calvin, Institutes of the Christian Religion, IV.1.4. See also A. G. Dickens, Reformation and Society in Sixteenth Century Europe, 1966, p.160.

inviting. It is surely not surprising that Knox should have contributed so much more to political theory than he did to theology.

The eventual call to revolt was suitably ambiguous. In the summer of 1558, Knox issued his famous appeal to the Nobility and Estates of Scotland, to the heritable jurisdictions of the realm, to the inferior magistrate with his "lawful powers appointed of God"; and this, while plainly an incitement to rebellion, was not the blueprint for a social revolution (16). It merely demanded that one part of the feudal order, the Lords of the Congregation, should redeem the sins of the remainder, the Queen Regent and her supporters among the magnates. It was directed, with a superb sense of political strategy, to the very heart of the Scottish tradition. It embroiled the Protestant cause in an old-fashioned faction fight on the implicit understanding that victory would produce an aristocratic church. The new church would be impeccably protestant in doctrine; but it would be reluctant to challenge the existing values of a feudal

(16) The Appellation of John Knox ... with his ... exhortation to the Nobility and Estates of the Realm, 1558. Printed in D. Laing, Works of John Knox, IV, 467-522.

society. It would question neither the secularisation of ecclesiastical temporalities nor the ownership of the teinds.

But Knox also appealed to "his beloved brethren of the Commonalty of Scotland" (17). He was addressing the network of illegal congregations that were springing up, certainly in the towns but probably also in rural areas, throughout the eastern Lowlands and perhaps elsewhere. It is important that these protestant cells - the privy kirk of Knox's History (18) - were, at least in theory, classless organisations. They might, or they might not, include inferior magistrates; but these would not enjoy an automatic, let alone an hereditary, right to positions of power - and this was subversive in more than the obvious sense of the word. Moreover, the privy kirk would eventually become the public kirk and, once this had happened, the commonalty would come to embrace, however nominally, the whole of the population. Seen in this light, the Letter becomes a revolutionary document of the highest significance. When Knox declared: "... it doth no less appertain to you, beloved brethren, to be assured that your faith and religion be grounded upon the true and undoubted word of God, than it does to

(17) A Letter addressed to the Commonalty of Scotland, 1558, Laing, op. cit. IV, 523-538.

(18) John Knox, History of the Reformation, Ed. W. C. Dickinson, II, 277-8.

your princes and rulers", he was hacking away at the very foundations of the feudal order. When he went on to assert that the people might, if their "superiors" were "negligent", justly "provide true preachers" for themselves, he was looking forward to a new society in which the church would be totally independent not only of the royal administration but of the inferior magistrate as well (19). He foresaw the appearance of an entirely new form of government.

It might reasonably be objected that these notions existed only in the fertile imagination of Knox himself and it may readily be conceded that they were relatively insignificant in their own time. The aristocratic revolt was so successful so quickly that they were almost stifled at birth. But they were a very real part of the potential of the Reformation and they would grow luxuriantly enough as a changing social climate began to favour them. In Edinburgh, and perhaps in some other towns, a rapidly rising population combined with the exclusion of the professional classes from the ruling oligarchy to exacerbate the tensions between the Town Council and the community at large. In the countryside, the gradual emergence of the feuar as a meaningful element in the landed class provided a rather similar reservoir of discontent. The "privy kirk" would be revived as a vehicle of radical protest and, as such, it would become an explosive force during the 1590s and

(19) Laing, op. cit., vol. IV., p. 527.

again during the late 1640s. It would show itself in the conventicles which met "in times of persecution" during the seventeenth century and, albeit in a rather different way, in the furious controversy over "novations" which threatened to disturb the peace of the Assembly of 1640. It would furnish the scaffolding which supported the Tables - though not perhaps the Tables themselves - in 1637 and 1638.

Nonetheless the church actually established during the 1560s was, at least at a national level, essentially a feudal organisation. The "Lords and Barons professing Christ Jesus" - a phrase which somehow contrives to epitomise the crowded history of an eventful decade - developed from an alternative government into a provisional government and then again into a general assembly ruling over a protestant church. The new structure consisted of a scattered multitude of kirk sessions, each individually retaining some of the characteristics of a privy kirk, linked through salaried superintendents, or later through beneficed bishops, to a central governing body on which lay politicians were influential. The resemblance of this body to a Parliament was close and enduring and it was re-affirmed at the end of the century, when the assembly itself described its lay members as barons and commissioners of burghs. The revolution thus gave birth to an aristocratic church which faithfully reflected the eternal verities of a society commonly dominated by the inferior magistrate.

But neither church nor state was unchanging. The advent of a Godly Prince ruling through a series of Godly Regents added a new dimension to the argument. For it could now be claimed, without violating fundamental Reformation principles, that the logical guardian of the new faith was less the inferior magistracy than its titular head, the King. The distinguishing features of this trend were a marked disinclination, apparent during the administrations of Morton and Arran, to hold general assemblies and, more subtly, a growing skill in the manipulation of their composition - and this was the peculiar achievement of James VI.

It is at least arguable that the two trends, the aristocratic and the royal, were not mutually exclusive. They shared a common reluctance to meddle with teind or temporality and thus a common interest in a dependent church. They shared a common mistrust of the aspirations of the professional churchman and thus a common erastianism which manifested itself in a common determination to involve the laity at all levels of church government. In the last resort, the one could live in the same society with the other. The first originated in the unique circumstances of the Marian interlude and was appropriate to a minority, when the royal standard tended to look like the ensign of the over-mighty subject. The second was better suited to a period of successful personal rule, when a

restrained display of royal power, or royal dexterity, was not unacceptable.

The early reformers were able to adapt themselves, with every appearance of an easy conscience, to any or all of the trends which emerged from the inspired confusion of the Reformation. They believed, as Calvin himself had believed, that it was necessary to establish the godly society; but they also shared his indifference to the exact shape of the framework surrounding and supporting it; this could be left to the accidents of time and place. The church, as it was originally reformed in Scotland, was able to merge itself into society as a whole (20).

This indifference was dismissed as naive by Andrew Melville, a second generation Calvinist, who returned to Scotland from Geneva in 1574. The Second Book of Discipline rested on the assumption that the godly society had failed and the assertion that its failure had sprung from the futility of the lay church of the reformers. Instead it postulated a church of dedicated professionals which, far from reflecting society, would seek deliberately to transform it. The new church would separate itself from the debilitating grasp of a decadent state, purify itself by the intrusion of a carefully indoctrinated elite and

(20) Cf. G. Donaldson, The Scottish Reformation, 1960, chapters III to VII.

sustain itself from the patrimony of the old church, before re-emerging to dominate the state which it had so recently deserted. To this end, the conquest of the universities, which would train the new generation of ministers, elders and deacons, was essential. No less so, since this vast bureaucracy would have to be paid, was the reclamation and rationalisation of the revenues of the old church. The conversion of any part of this vast wealth "to the particular and profane use of any person" was a "detestable sacrilege before God" (21). To the Melvillians, everything and nothing was sacred. It is obvious enough that the idea threatened the commendator in his superiorities; it called in question the charters granted to his vassals; it at least opened up the possibility that his feu duties would be renegotiated on an economic basis. The church was surely seeking to release itself from the twin tyrannies of the feu charter and the "long upward heave". But it was also seeking to control an empire of baronies and regalities and it is perhaps reasonable to assume that these would not simply have been dissolved as they might have been in a pure theocracy. Melville proposed to retain the civil magistrate, if only in a subordinate capacity. Would the bailies of the

(21) D. Calderwood, History of the Kirk of Scotland, Wodrow Society, 1840-9, vol. III, p. 544.

ecclesiastical regalities have become the local hangmen of their local kirks?

The question is in a sense an idle one, since the sixteenth century disdainfully ignored it; but it would pose itself again during the 1630s when another professional church would challenge the basic assumptions of feudal Scotland. But these were also, in the nature of things, being challenged by the royal administration. The Crown and the Church, whether as one kingdom or as two, shared a common interest in reducing the regalities to order and a common incentive to create new systems of local administration. The pretext was not far to seek. Church and Crown alike could reasonably concern themselves with the desperate social problems presented by the army of the poor. The First Book of Discipline committed the church to the care of the "aged, impotent and lamed, who neither can nor may travail for their sustentation"; but it declined to support "stubborn and idle beggars who, running from place to place, make a craft of their begging"; these were criminals, "whom the civil magistrate ought to punish" (22). True to Reformation theory, it left the sturdy beggar to the heritable jurisdictions and the earliest legislation, passed in the Convention of 1574, respected the distinction (23). But the vagabond, who made a craft

(22) Knox, op. cit., II, 290.

(23) A.P.S., II 86-9.

of his begging, was a responsibility which the heritable jurisdictions were uniquely unable to discharge. A band of thieves, hounded out of the territory of one magnate, might find a ready welcome on the lands of his rivals. A problem, which had assumed the proportions of a national scandal, demanded a unified apparatus of repression and it is scarcely surprising that the Morton administration should have sought to devise one. The famous statute of 1579, besides authorising assessments for the deserving poor, entrusted the major problem to an entirely new jurisdiction, plainly suggested by the English Justices of the Peace (24). The new Justices would hold office at the King's pleasure; they would not necessarily have hereditary power - indeed, they might be feuars; their area of jurisdiction would be the parish, which thus became a civil, as well as an ecclesiastical, unit. It was a revolutionary proposal and this, together with a series of weak governments in the vital early stages, probably explains its failure. Indeed the last provision of the act virtually confessed its impotence; it entrusted the oversight of the system to the Sheriffs, Stewards and Bailies of Regalities - to the very jurisdictions that it was designed to supplant.

(24) Ibid., 139-42.

A further act of 1592, passed at a time when the Melvillians were strong, repeated the earlier statute, while adding a corollary which totally changed its meaning. If the Justices were negligent, as frequently they were, the "ministers, elders and deacons" of the local kirk session would name magistrates, whom the Crown - apparently without question - would appoint as Justices (25). Kirk's local hangman indeed. But James retreated only to advance along a parallel path of his own choosing. Two further acts of 1597 and 1600, perhaps a trifle unexpectedly at first glance, turned the entire problem over to the kirk sessions (26). The first was too short to reveal the King's mind, but the second was explicit enough. It ordered the presbyteries not only to assist their kirk sessions, but also to "take diligent trial of (their) obedience" and to report their findings to the royal administration - which would punish negligence. The English Justices were the antennae of the monarchy; James seems to have seen the Scottish elder in the same role. The two kingdoms were merging themselves back into one.

It is perhaps scarcely surprising that Justice and elder alike should have failed to solve a problem which was neither peculiar to Scotland nor confined to this

(25) A.P.S., III, 576.

(26) ASP.S., IV, 140, 232.

period. Their failure merely reflects the platitude that it was impossible to cure unemployment by whipping the unemployed. But, quite apart from this, both approaches had obvious defects. Little is known about the Justices, but it seems likely that they were often local magnates thinly disguised as royal administrators. The kirk sessions were, however nominally, gatherings of the godly rather than the rich or the powerful. The one already had too much power; the other did not have enough. It is interesting that the next experiment should have involved the creation of a new kind of kirk session. In 1635, when King Charles seemed even stronger than had Melville in 1592, the session clerk of the parish of Dundonald recorded a local act, not particularly remarkable in itself, against the entertainment of the sturdy beggar (27). But it was passed by a body that the previous century would surely have found strange. It included the minister and the elders and it obviously resembled the kirk session; but it also included the "gentlemen" of the parish whether they were actually elders or not. This augmented session, gathered somewhat informally together to perform a function which the First Book of Discipline regarded as civil rather than ecclesiastical, was built into a highly centralised

(27) The Kirk Session Record of Dundonald, Ed.

H. Paton, 1936, 398-400.

church, linked through its bishops to the Crown. It was a High Commission in miniature, deliberately confusing the Sword with the Keys, and it is significant that the revolution would use it as much as the bishops. (28). For the implications were perhaps even deeper than this. The meaning of the term "gentleman" is not completely clear, since the seventeenth century did not bother to define it; but the term was often used in the context of parishes, like Dundonald, with a fairly large number of relatively small proprietors and it is almost certain that it was used to describe the feuars of the temporalities as well as freeholders, like those of Dundonald, without a baronial jurisdiction. The augmented kirk session was able to reflect, as the old feudal courts could not, those gradual changes within the landed class which had followed the feuing movement of the middle sixteenth century. The "gentleman" was the child of the price revolution and the kirk session was his nursery.

The heritor - another old word that was assuming a new meaning - similarly represented the new view of land ownership. It meant quite simply the proprietor, who drew the rents of the lands concerned, irrespective of the nature of his tenure and whoever his immediate superior might be. In the feued lands of the

(28) Ibid., 521-2. See below Chapter II.

temporalities he would be the feuar; in a civil barony, he would be the baron except in respect of land which he had feued or mortgaged; in a royal estate, it would be the freeholder. The heritor was a landowner in the commercial rather than the feudal sense and it is important that he was a central figure in the rather obscure story of the revocation of Charles I.

The earliest version, concocted at Court and broadcast throughout an unsuspecting Scotland soon after the King's accession in 1625, would have revoked all grants of church property made to private individuals for nearly a century (29). There was no hint of compensation and it was possible to believe that the temporal lordships, erected with the approval of Parliament only two decades earlier, would be reduced to empty shells. It is scarcely surprising that rumour should have foreseen a chain of royal estates or the re-endowment of a monolithic church. There is no reason to doubt Balfour's opinion that the revocation was the "groundstone of all the mischief that followed after" (30).

The truth, as it slowly unfolded itself, was less dramatic, rather more reasonable, but scarcely less radical. The lordships were to be surrendered to the

(29) A.P.S., V, 23-7.

(30) Sir James Balfour, Historical Works, II, 128.

Crown on the understanding that they would be granted back to the original holders on different, and much less secure, terms. The Lords of Erection owned three more or less distinct forms of landed wealth. The proper lands, which they held in both superiority and property, yielded the rents paid to them by their tenants; these were usually calculated in kind and were preserved from the inroads of inflation; but, in some cases at least, they represented only a small proportion of the original temporality. The feued lands, of which they held only the superiority, were, by contrast, often huge in extent; but the income from them, being a fixed sum of money, had been decimated by the price rise. The most important element of their revenues consisted of teinds and pre-eminently of the rich victual teinds of the appropriated parsonages.

The Decree of Arbitration of 1629 laid down the terms in all their menacing detail (31). The Lords would retain their proper lands, though they would hold them for a feu duty, calculated in seventeenth century terms, instead of the usually nominal reddendo prescribed in the original charter of erection. This might involve a modest financial loss, but it fell far short of confiscation; it was the least damaging part of the settlement. On the other hand, the superiorities of the feued lands

(31) A.P.S., V, 197-204.

were in jeopardy. The Lords would retain them for the
 - to be renewed, interestingly enough, by the Parliament of 1649
 time being; but the Crown reserved the right to buy
 them, at a price equal to ten times the annual yield of
 the feu duties, whenever it wished. The deal was not
 unreasonable in a narrowly financial sense and it
 applied in any case to the least valuable element of the
 whole. But money was not the vital issue. The Crown
 would be buying jurisdictions as well as entitlements to
 feu duties and it would be doing so at a price
 ludicrously cheapened by inflation. Indeed the price
 may well have seemed even lower when viewed from a
 distance, since it is almost certain that land values
 were higher in southern England than they were in
 Scotland. The mere prospect of a resurgent Crown buying
 Scottish power with English money at bargain prices was
 enough to shake baronial Scotland to its foundations.
 We need not doubt Balfour's judgment.

The revocation also embraced the teinds, the
 richest assets of the lordships. The teinds had always
 been regarded as a first charge on the harvest and the
 tenant had been legally compelled to leave his crop in
 the fields until the teind sheaves, traditionally a tenth
 of the whole, had been collected - an evident incon-
 venience in an uncertain climate and an invitation to
 blackmail where the titular was at odds with the
 heritor. Charles, ambitiously enough, sought to
 rectify this and to augment the stipends of the

ministers of the erected kirks at one and the same time. The sequence envisaged, and indeed largely accomplished, was as follows. In the first instance, the teinds would be valued by Commissioners with the object of establishing their yield in an average season. This done, the teinds would cease to exist in their previous fluctuating form and would be replaced by a fixed annual levy, expressed either in money or in kind, according to the valuation. This would be collected by the heritor as a part of the rent, and would be paid over to the titular after the deduction of an allowance for the minister's stipend. But this was not all, for the heritor would be allowed, if he wished, to buy out the titular's share at nine years purchase. As soon as this had happened, the teinds would cease to exist. In the meantime, the minister's stipend would be augmented, usually from the titular's share, and it followed that this would rapidly diminish. In a small parish, it might easily disappear altogether - and this was much closer to confiscation.

The augmentation of ministers' stipends and the corresponding impoverishment of the titular was successfully accomplished by Commissioners established on the one hand by Charles during the 30s and on the other by the radical government of 1649 - a coincidence so interesting that it cannot be dismissed as merely coincidental. The diminishing remainder of the teinds

passed more slowly into the hands of the heritors, perhaps because so many heritors already had tacks of their own teinds. Charles himself moved slowly in the acquisition of superiorities, though there is no reason to doubt that the process would have continued had it not been violently halted in 1637. But the aspirations of Charles I are in a sense more important than his achievement. The teinds would cease to be a distinct form of property. The concept of superiority, the distinguishing mark of feudal Scotland, would disappear from the lordships. In many of the temporalities, there had once been three property owners to any given plot of land. There had been the superior, passively drawing his ravaged feu duties while dispensing autocratic justice through the bailie of his court. There had also been the titular of teinds who enjoyed a much larger income protected from the impact of inflation. And there had been the feuar drawing his prosperous rents while languishing in the lowly status of a sub-vassal. Now, in the new society of Charles I, there would only be one - and this one the least. The King did not disguise his intentions. He wanted to "free the gentry ... from all those bands which may force them to depend upon any other than upon his

Majesty (32). This was revolution.

This reading of the King's revocation is consistent with his policy towards heritable jurisdiction in the wider sense and his re-establishment of the justices. A more general assault on feudalism as such was clearly implied and we may guess that he would, given favourable circumstances, eventually have proceeded with this. But this, his personal, approach reveals only one side of a many-sided King and Archbishop Laud stood insistently, and sometimes clamorously, at the other. The statute of 1633 abolishing ecclesiastical regalities displays the dilemma; for the episcopal jurisdictions were ostentatiously excluded from its scope (33). The line between Lordship and Bishopric could scarcely have been more harshly drawn and it inevitably posed a further question. Might not the monastic temporalities themselves, once purchased by the Crown, be granted back to the church? It is certainly true that all the superiorities actually acquired by the Crown were either used or earmarked for the endowment of bishoprics. The rumour, that titular abbots would enjoy the remainder, must have seemed more plausible to contemporaries than

(32) R.P.C.S., 2nd Series, I, 230-2, (Charles to Privy Council). The immediate context related to the teinds rather than to superiorities; but the point remains.

(33) A.P.S., V, 31.

it does to us (34). The "gentlemen", released from the servitude of the lordships, would find new, and perhaps more irksome, masters.

There can be no doubt that this was the predominant element in the King's policy during the middle thirties. The bishops were gradually gaining an ascendancy in the Council at the expense of the civil administration of the Crown (35); the Bishop of Ross, or so it was thought, would shortly supplant the Earl of Traquair as Treasurer; the Archbishop of St. Andrews was already Chancellor. The Bishops were the vital element in the Crown's control of Parliament. Spottiswood had once remarked that the King was "Pope now and so shall be" (36). But who was the "Pope" of the Canterburian church of Laud and Maxwell? Was it the King or was it a bishop? Would this new and revitalised church break free of its creator? Would it eventually become as independent in practice as Melville's had wanted to be in theory? It is not without interest that Melvillian and Canterburian alike eagerly claimed the entire patrimony of the church, that both would have used its revenues to sustain a huge bureaucracy manned by a professional élite, that

(34) B.L.J., I, pp. 6-7.

(35) G. Donaldson, Scotland, James V-James VII, 1965, p. 299.

(36) Calderwood op. cit., VII, p. 421.

both wanted to reduce the ordinary administration of the Crown to a subordinate role, that both were anti-aristocratic and indeed that both saw the church as an instrument of social change. This is not, of course, to deny the differences. The two churches were built on different, indeed on opposite, theological foundations; their organisations, though similarly bureaucratic, were contrasting in construction and the difference between them was emphasised in 1636 with the publication of a Code of Canons which omitted all mention of kirk sessions, presbyteries, synods and general assemblies. Melvillian and Canterburian were born to fight and to fight each other; but they were drawn by the nature of the Scottish predicament into rather similar historical roles.

The prehistory of the revolution was, as we have suggested, as long as it was devious; but its actual onset sprang from recent innovations which would disappear as suddenly, though not as silently, as they had come. It may be true that "Laud's Liturgy" was misunderstood by a nation utterly determined to misunderstand it. It is as certainly true, as it was tragically ironic, that its authors, shortly to be accused of anglicising their own church, had laboured mightily to meet the inevitable Scottish objections to it (37). But the result was English enough, and could

(37) G. Donaldson, The Making of the Scottish Prayer Book of 1637, 1954, pp. 41-83.

be presented as popish enough and was indeed unfamiliar enough to generate an antipathy that was classless and almost universal. It was the one issue which offended almost everybody and it had the effect of moulding a diverse opposition into a single, united force. It was neither difficult nor particularly dangerous to provoke a seemingly spontaneous revolt against it. For the real importance of the riot in St. Giles resided in the reaction of political Scotland to it. The feudal classes, the civil administration of the Crown and the majority of the ministers of the church had been totally ignored in the composition of the Liturgy and virtually ignored in its adoption. The bishops had sufficed. Political Scotland frowned severely on the tumult, but conspicuously failed to discover those responsible for it. It will never be known for certain whether it was contrived or not for the very good reason that nobody at the time really wanted to find out. The bishops were suddenly naked - or suddenly aware of their nakedness.

The Liturgy was merely a passing episode in the broad sweep of the revolution; but, at the time, it served to encapsulate the essence of the Canterburian system. It seemed that the bishops would inflict a caricature of the English way of life on the ancient kingdom of Scotland. But, if the upheaval was partly inspired by patriotic motives, it was also a reaction against the sheer radicalism of the Canterburians and

the rather different radicalism of the King they had captured. Charles tried to do in a decade what his father had failed to achieve in a lifetime - and the Tudors had actually accomplished in more than a century. The revolution would eventually unleash a new radicalism; but, for the time being, the mood was reactionary. The phrase "religion and liberties" would soon prove elastic enough; but, for the time being, it was unambiguous. It simply meant the preservation of the Scottish constitution in church and state. Patriotism came to be equated with conservatism or, more accurately, with an institutional conservatism which was reluctant to recognise the slow transformation beneath the surface. In 1603, the great engine of change had moved to England and now change itself seemed suspect. But this, if true, is not the whole of a rather complicated truth. The Scottish tradition has always resisted the claim to omniscience, no matter whence it came and the Canterbury church was as arrogant as it was new. It was the tree lately planted.

CHAPTER TWOTHE CHURCH OF THE COVENANT

Lindsay's Satyre of the Three Estates presents a rather complex but entirely convincing picture of the Scottish Monarchy. Rex Humanitas was carefully portrayed as a callow youth looking on, almost silent and totally bewildered, as the business of the nation goes on around him. In sharp and plainly calculated contrast, Divine Correction was a truly magnificent, if somewhat unreal, figure dispensing impartial justice with an authority so absolute that the magnates themselves dared not question it - if indeed it had ever occurred to them to question it. The one was the King as he so often actually was; the other was the King as he always ought to have been. The subject owed a highly qualified obedience to the one, who was fallible reality, and an absolute allegiance to the other, who was abstract perfection. Thus the Negative Confession committed the subject to the maintenance of the King's authority "in the defence of Christ his Evangel, liberties of our country, ministration of justice and punishment of iniquity against all enemies within this realm or without" (1). If Rex Humanitas assumed the mantle of Divine Correction, he would be obeyed.

This concept, ambiguous as it was, was in no sense

(1) National Manuscripts of Scotland, III, no. 70.

anti-monarchical. It was formulated for the benefit of another, and more precocious youth, who was presumed to be the creature of his advisers. Insofar as his advice was good, the subject would support him; if it was not, the advisers were to blame and they would suffer for it; new advisers, with a similarly limited tenure, would be provided in their stead. But the monarchy was intrinsically as blameless as the King himself was presumably useless. It was a concept which emerged naturally enough from a century of long minorities and weak governments. It is no accident that the period's only advocate of divine right was a King who was usually careful to ignore his own reasoning, however convincing it might sound.

It is interesting that the seventeenth century should have asserted the dual concept of kingship as compulsively as its predecessor, despite the obvious differences in the surrounding circumstances. The King, once so weak that he could hardly protect the liberties of the subject, was now, since the Union of the Crowns, so strong that he could scarcely avoid infringing them. But the remedy, however difficult to apply, was still the same. The Supplicants eagerly embraced the half truth that King Charles was the innocent victim of evil advice.

The National Covenant (2), first subscribed at the end of February 1638, was assembled round the Negative Confession with its convenient definition of the nature of the subject's allegiance and its comprehensive abjuration of popish practices. To this was added an "explication" in the form of an inventory of ecclesiastical statutes, comprehensive enough from 1567 to 1603, though selective thereafter. Its purpose was not clearly stated, but its effect was to show that the Confession had been consistent with the policy of the civil power and to suggest, necessarily somewhat ambiguously, the attitude of the state towards the vital question of church government. The acts of the Parliament of 1584 in favour of a centralised episcopate were omitted because they had been annulled by the Parliament of 1592; but the remaining Black Acts, which had implied the supremacy of the King in Parliament over the church, were retained because they had not been so repealed. The "explication" thus left open the possibility of a bishopless church, though not of a church that was completely independent of the state. But this may well have been accidental since the omission of all the seventeenth century legislation on the subject can as readily be explained as a desire to exclude the particular form of episcopacy which emerged from the

(2) Ibid. III, no. 97.

statute of 1612, as from a desire to abolish episcopacy as such. Indeed the earliest connected formulation of the programme of the Supplicants specifically attributed the troubles to the abuses emerging from this statute; while the Eight Articles, which were despatched to the King shortly after the Covenant was signed, demanded the trial of the bishops rather than the extinction of their order (3). It is at least evident that the Supplicants were seeking a church which, in one way or another, would retain a connection with the state and this conclusion is confirmed by their total reliance on statute law at the expense of the law of the church itself. It is true that this can be explained by the fact that the lost records of past general assemblies had still to be rediscovered; but the Second Book of Discipline had been published in 1621 and the work of the assemblies which had enacted it, must still have been known, if only in general terms (4). The loss of the records can have been only a partial explanation of an omission so glaring that it simply refuses to be explained away. Can we really believe that the

(3) AR pp. 1-2, 100-102.

(4) The First and Second Book of Discipline, 1622, pp. 71-96.

Supplicants, wanting to say one thing, would have been willing to swear to its opposite?

Thus far at least, the National Covenant can only bear a conservative interpretation; but its most revealing, and incidentally its only original, element was the band which was appended to it. The subscriber was called upon to forswear the innovations and, in so doing, to support the revolutionary organisation that was seeking their removal. This was plainly rebellion and was possibly more. A series of measures, all introduced in one way or another through the machinery of the state with the willing consent of the Crown, were to be set aside by a group of private individuals who claimed to know the will of God. It is sufficiently clear that the spiritual descendants of Andrew Melville could take some comfort from this; but the Band of 1638, like the rest of the Covenant, was ambiguous and there is another way of looking at it. The innovations were carefully divided into two distinct categories. The Articles of Perth, the "corruptions of the public government of the kirk" and "the civil places and powers of kirkmen", however offensive they might be held to have been, had all been justified by assemblies and Parliaments or at least by long usage. The subscriber would merely swear to forbear the "practice" of the first and the "approbation" of the other two until they could be "tried and allowed in free assemblies or in Parliaments". In a sense, they would continue to be law

until the law itself had reconsidered them. On the other hand, the Liturgy and the Canons were simply forsworn as evil in themselves and the signatory was "obliged to detest and abhor them amongst the other heads of papistry abjured" in the Negative Confession. The distinction, though not explicitly stated, is clear enough. One set of innovations had been legally introduced; the other set had been slipped in through the back door. The one would be suspended; the other abjured. It was the kind of distinction that a conservative constitutionalist would have wished to have made.

The same air of orthodoxy surrounded the oath which concluded the Band. It began by paraphrasing the qualified oath of allegiance in the Negative Confession and this was largely uncontroversial; the King himself would concede it before the summer was out. It went on - much more controversially - to pledge its subscribers to the "mutual defence and assistance every one of us of another in the same cause of maintaining the true religion and his Majesty's authority ... against all sorts of persons whatsoever". It recognised and sought to justify the revolutionary government in its opposition to a tyranny which, though not explicitly defined, was obviously intended to include the King. The Band hurled defiance at Rex Humanitas, or rather his great grandson; but it did so in the name of Divine

Correction, the guardian of the constitution. To put the same point only slightly differently, the Suppliants had originally claimed that the innovations had been illegally introduced and were thus invalid. But they carefully avoided even the implication that the King himself was responsible for them. On the contrary he was the victim of bad advice tendered by the bishops who must thus be tried and deprived by a General Assembly. Charles, after some hesitation, had responded with an indignant denial, which insisted that he was personally responsible (5). He suspected treason and, in suspecting, made it so. A more or less legal protest movement was transformed into a rebellion with an alternative government justified by a revolutionary oath. But this was still not directed at the King, or at least at Divine Correction. It might be true that the King had admitted responsibility; but, if it was, this was merely Humanitas acting on the bad advice of those same bishops. For, if he had actually been responsible, he would have violated his Coronation Oath - which was incidentally tacked on to the "explication" - and would thus have forfeited his throne. This was inconceivable; he was not a "tree lately planted", but the undoubted

(5) The act of assembly of July 1580, declaring episcopacy to be unlawful, is also printed in this volume (see p. 18).

King of Scotland and it followed inescapably from this that he must be innocent. Divine Correction was not only untainted but incapable of taint. The National Covenant declared total war on the bishops, but it did so on behalf of the King of feudal Scotland.

This essentially conservative interpretation of the Covenant is confirmed by the shape of the programme which accompanied it. The preamble to Roth's Relation, which offers us the first official glimpse of the supplicants as they saw themselves, had traced the origin of the troubles back to the "re-entry" of bishops into the church after the Union of the Crowns (6). It points specifically to the omission of the restrictions, imposed on the bishops by the assembly of 1610, from the ratifying statute of 1612. Since then, it alleged, the prelates had "encroached by degrees" and eventually gained an "uncontrolled dominion" over church and state; they had "loosed the flood of illegal violence to overflow the truth of religion and liberties". It was natural enough that the National Petition of October 1637 should have asked for the trial of the bishops as well as the withdrawal of the innovations which they had introduced (7). Indeed the Eight Articles were essentially a demand for a General Assembly which

(6) RR pp. 1-2.

(7) The National Petition. Printed in SHR, XXI, p. 245.

would try, and presumably deprive, the existing bishops, as well as establishing the principle that their successors would be responsible to future assemblies. In addition, they sought a Parliament to ratify the acts of the assembly and to re-open the customary channels of civil government (8). The Supplicants, outwardly at least, were seeking to rebuild the government of the tenants-in-chief. They formulated a programme which the "Lords and Barons professing Christ Jesus" would surely have approved.

All this is true and far from trivial; but the ambiguities in the National Covenant remain. The Eight Articles were definite and there is no reason to doubt that they represented the opinion of the most powerful elements among the Supplicants; but they swore to a Covenant, which was vague - and perhaps deliberately vague - in detail. The rather abrupt termination of the "explication" can be construed as a desire to omit the vital statute of 1612 and this is almost certainly the construction which the conservatives placed upon it. But the list of statutes was actually compiled by Archibald Johnston of Wariston, an obscure advocate who had recently become Clerk to the Supplicants and who was

(8) RR, pp. 100-102.

about to assume the leadership of their radical wing (9). He can hardly have been unaware that he was leaving the bishopless statute of 1592 as the definitive form of Scottish church government. Wariston was also involved in the composition of the Band and here again precise definitions tended to be avoided. The phrase, "corruptions of the public government of the kirk", was so general that it could mean almost anything. Wariston must have known that he could not hope to carry a radical text through an organisation dominated - as we shall see - by conservative magnates; but he must also have known that he could look for - and eventually find - support outside the feudal order. Revolutions, he may have reflected, are easier to start than to stop. The Covenant was introduced, in a highly emotional atmosphere compounded more or less evenly of fear and fine defiance, to a background of radical rhetoric reminiscent of the Melvillian days of the 1590s. In one sense, it was a statement of a profoundly conservative purpose; in another, it was the opening salvo of a radical cannonade that would soon leave the conservative position, if not in ruins, at least in outward disarray. The Covenant was both these things, but it could not ostensibly be either of them, if only because conservative and radical were bound to each other by immediate

(9) WD, vol. I, pp. 267, 275, 319-20.

necessity. Each was equally compelled to resist a King who, however clumsily, accused both alike of treason. They could both oppose the bishops, though from different motives and with different ultimate objectives; they could both exalt the idea of a general assembly, though they might differ about its composition and its eventual relationship with the civil power. The Earl of Rothes was no closer to Johnston of Wariston than the Lords of the Congregation had been to the privy kirk or the Ruthven Raiders to Andrew Melville. Ideologically, they were poles apart; but they would struggle along united by common perils and common antipathies.

In the spring of 1638 the conservatives were still the stronger force and the Eight Articles reflected their dominance. They were hostile to the bishops without demanding the abolition, let alone the abjuration, of episcopacy; they insisted on a general assembly, and by implication a series of future assemblies, without asserting the church's right to hold one whether the civil power wanted one or not. But this would change rapidly. By the following autumn, the Supplicants would be stridently demanding the one and as vigorously asserting the other. The summer of 1638 would witness the first turning point of the revolution and it is vital to explore its meaning.

Wariston's celebrated denunciation of episcopacy as the "root of papacy" was uttered, as the supplicants

anxiously awaited the King's response to the Eight Articles, in strict secrecy to an audience of two (10). Radical presbyterianism was still a conspiracy whispered in dark corners. But no corner could contain Wariston for long. His day was coming and he already, with a truly remarkable understanding of the turmoil around him, sensed how it would come: "at every step we would have stood at, (the Lord) has made our adversaries to refuse and forced us to go up another step of Reformation". As clerk to the revolution, he had drafted the Articles; now, as its prophet, he earnestly prayed that the King would reject them. Then, "instead of those cautions and limitations of prelates ..., (we shall) speak plain truth according to the will of God, that is the utter overthrow and ruin of episcopacy, that great grandmother of all our corruptions". The radicals, as Wariston realised, were weakly represented at the summit of the revolutionary edifice. They were driven to rely on the violence, or rather the threatened violence, of the King's displeasure, to force their conservative allies back into the revolutionary stream. The period was dominated by a force which Wariston described, not inappropriately, as the "worker by contraries". The ways of the Almighty, he could reflect with some satisfaction, were strange indeed. But the process had been tried and tested by experience and

(10) Ibid, pp. 347-8.

the prospect was as limitless as it was seductive. The new radical church, triumphant in Scotland, would become a "pattern to other nations". It would spread to England and thence to Ireland. There would be a vast theocracy extending from Shetland to Munster and beyond, until the papacy itself, "that chair of antichrist in this world", collapsed in ruins before it. Then, in the final phase and the ultimate perfection, the visible church, its task completed, would wither away. The conflicts of a troubled world would dissolve themselves in a limpid pool of universal virtue - and this was rather different from the Eight Articles.

King Charles, confronted with an ambiguous challenge, contrived a typically tortuous reply. His proposals fell into two groups, the one designed to please Laud - and thus incidentally Wariston - the other on the advice of the Marquis of Hamilton, who was shortly to leave for Scotland to promote them. The first group offered only the minimum concessions and demanded the surrender of the Covenant. In the event of defiance the Marquis was ordered to "declare that, if there be not strength within the kingdom to force the refractory to obedience, power shall come from England and that myself shall come in person with them, being resolved to hazard my life rather than to suffer authority to be contemned". There would be a "kingly way" with rebels. The bishops, who could only lose from negotiation, could scarcely complain of

this. The second group authorised the Marquis to drive a private bargain with his friends among the Lords of the Covenant, under which the essence of the Articles, including the subjection of the bishops to a general assembly, would be conceded in exchange for the disavowal of the Covenant. They sought to placate the conservatives, to isolate the radicals and then, if necessary, to use Scottish force to suppress them (11).

The two forces were nicely balanced. Hamilton would act as the King's Commissioner, as his voice in his northern kingdom; but Laud would be his secretary at Court. Hamilton's despatches to the King would be read by Laud; the answers to them would be drafted by Laud on advice tendered by Laud (12). It is arguable that the Hamiltonian bargain provided the only possible basis for a settlement, but its author worked in the dark shadow cast by Laud and Wariston. The sequence was almost predictable. The Commissioner, embarrassed by his instructions, prudently concealed them and proceeded with his bargain. We find him in amiable, if secret, conference with Rothes; they cheerfully, if metaphorically, envisaged the possibility that the bishops would "wag on a widdy" and Wariston's consternation is

(11) BH, pp 56-64.

(12) Ibid.

evidence enough that a bargain was on the way. But his answer was obvious enough. Was it safe to surrender the Covenant, and thus to disband the revolutionary organisation, to a Commissioner who could not display his proposals in the clear light of day? He drove Hamilton to equivocation and thus Rothes to mistrust. The Marquis, in his turn, suggested an ingenious compromise which would eventually prove important. Instead of surrendering the Covenant, they would compose a preface which would explain it as a loyal undertaking - in effect by describing it, in the style of the original Confession, as an oath of conditional obedience rather than an obligation to positive defiance. The text would remain undisturbed and could be used in emergency, but the preface would qualify it to suit the needs of a period of peace (13).

The Hamiltonian compromise had already been overtaken by events at Court. Laud insisted on a proclamation of his own version of the King's instructions and Hamilton was inevitably forced to desist. Early in July, he returned to Court for new instructions, evidently hoping to shape them to his own, rather than Laud's advantage. But the worker by contraries had another twist to unfold. Before he had left, the English Council had met to ponder the possibility of a "Kingly way". They concluded that

(13) RR, pp. 143-167; WD, I, pp. 349-54.

it would be impossible without taxation and thus a Parliament, but the damage was done (14). Rumour clattered up the Great North Road like a regiment of horses (15). The Commissioner followed it to find the Supplicants, conservative and radical alike, entrenched behind a Melvillian rampart. The pulpits of Edinburgh had been cautiously exploring the inherent sinfulness of episcopacy since the end of June (16); now they were cautious no longer. Even more significantly, the revolution, to the evident embarrassment of its conservative component, went on to assert "that which was before but in the minds of some very few, our right from God, which the Prince may not in law or reason take from us, to keep a general assembly" (17). As if to emphasise the point, it proceeded to organise elections for an assembly of its own, as soon as Hamilton had turned his back for his final journey to Court.

The Commissioner returned to a King who, in the absence of English force or any considerable Scottish support, had totally lost the power to govern and he used

(14) Strafford Letters, (Ed. W. Knowler), II, pp. 181, 186; Laud, Works, VII, p. 468; CSPD, 1637-8, pp. 574-5; CSPV, XXIV, pp. 435-6, 439.

(15) BLJ, I, p. 72; S.R.O., Breadalbane MSS, no. 738.

(16) BLJ, I, p. 85.

(17) Ibid., p. 92.



his advantage ruthlessly. Laud was banished into the background and the conservative programme was conceded unconditionally and in its entirety. The abandonment of the Covenant would no longer be demanded. Instead it would - and this was the doubtful element in an imaginative undertaking - be accompanied and hopefully superseded^s by a new Covenant to be enjoined by Act of Council. This would consist of the Negative Confession and a band of 1589 which defined the allegiance of the subject in the same terms. The new programme, which was revealed on the 20th of September, immediately received the unanimous assent of a Privy Council, which had previously been almost as hostile as the Supplicants themselves, and, almost as promptly, the unanimous rejection of a revolution which now seemed to be at Wariston's disposal (18).

The contrast is not difficult to understand. The Lord Advocate was shortly to tell the Earl of Rothes: "I dare not deny obedience to my sovereign where he commands that which is lawful and agreeable to God's Word" (19). The Eight Articles and the Confession of Faith had been conceded; Divine Correction had ascended his throne at last. The Covenant was now irrelevant and

(18) RPCS, VII, p. 64-74; HP, pp. 26-32; WD, pp. 391-2.

(19) BLJ, I, App. pp. 473-4.

rebellion indefensible. But Rothés, though ideologically more conservative than Hope, must have seen the matter somewhat differently. Could he, technically a rebel, trust a King with a Scottish Confession in one hand and an English sword in the other? Robert Baillie, a conservative minister who believed that his church needed the support of the magnates, made this very point. The September Proposals, he confessed, were "extremely gracious in most of our desires" and he would clearly have liked to accept them. But the subscription of another Covenant and the "continual rumours of the King's preparation for war" gave him pause; "thir things maks us fray". It was all too late to do any good; "if it had been a little before used or yet, if we could be persuaded of the sincerity of it, matters might go well"(20). The worker by contraries had laboured long and lovingly. It was predictable that Wariston would pass the rigours of winter in an ecstasy of immoderate delight.

The Glasgow Assembly, which opened late in November, set the seal on Wariston's triumph or at least appeared to do so. It sat for a few days in querulous contention with a Commissioner, who obviously wanted to stay but knew he had to go. The assembly was left to its own, now necessarily Melvillian, devices and the conservatives

(20) Ibid., pp. 103-4.

among its members, not without embarrassment, lapsed into a convenient evasion. They adapted the proposition that the church was independent of the state to mean that the church was independent of the Crown.

With the Commissioner gone, the assembly went on to declare, with only one dissentient voice, that episcopacy was contrary to the word of God and thus abjured as effectively as if it had been included in the Negative Confession (21). This would have been inconceivable a mere six months earlier; but it was now widely assumed that war was likely and it seemed absurd to leave the administration of the church in the hands of the nominees of a foreign, and now potentially hostile, power. The assembly had become, whether it wanted to or not, an alternative government and it was sensitive to the presence of traitors in its entrails. Abolition was now inevitable, but abjuration was not and the "wonderful" unanimity of "abjuring" as well as "removing" in such a "diversity of judgments and contrariety of practices" demands explanation (22). In a sense, it was achieved by

(21) Peterkin, pp. 166-8; BLJ, I, pp. 156-9.

(22) WD, I, p. 403; The following account of the Assembly is deliberately brief. It is based on the sources cited and on Robert Douglas's account (NLS, Wodrow MSS, Octavo, X, no. 2) and on the account in the Edinburgh City Archives (City Muniments V, 63-108).

deception. The question was framed in a committee where Wariston was the dominant influence and it was worded in such a way that it was impossible to vote for removal without also voting for abjuration. Most of the conservatives resolved the dilemma by simply voting as Wariston wanted. But the lonely voice, which incidentally belonged to an admirer of Knox, declared that episcopacy, "such as it was in the ancient church and in our church during Knox's days in the persons of the superintendents" ought, for many reasons, to be removed but not abjured". Robert Baillie declined to dismiss the government of the church as it had been reformed in Scotland as a popish error and it is certain that he had the tacit support of the mighty. He actually named Argyll, who had remained in the Assembly when Hamilton left it, and Loudon, a leading Supplicant from the first; but there were plainly many others, laymen and ministers alike (23).

The assembly, having abolished episcopacy, proceeded to deprive and, in some cases, to excommunicate its existing representatives. This, the symbolic subjection of the bishops to their church, would have been the centre-piece of the assembly as it had originally been planned, but now it had lost most of its relevance. A debate which might have scaled high pinnacles of principle, degenerated

(23) BLJ, I 155-68.

into a vicarious orgy which merely served to keep the assembly amused while the real issues were decided in Wariston's committee.

The fate of episcopacy and the relationship of church and state were necessarily discussed in theological terms; but it may be doubted whether the laymen in the assembly really saw them in this light. The rumours of an English invasion presented every issue as one of national survival and thus of allegiance to a King who was first and foremost King of England. The debate over the Covenant, which tormented the deliberations of the great committee, seems to have become a personal duel between the conservative Argyll and the radical Wariston. The latter naturally wanted the ratification of the band of 1638 and the condemnation of the band of 1589, which had been enjoined in the King's Covenant. Argyll, on the other hand, urged a "reconciliation of both ... to be drawn up and subscribed by the King's approbation". This was plainly a variation on the theme that had run through the conferences between Rothes and Hamilton during the previous June. The Covenant, already ambiguous in detail, would become ambiguous in general as well. There would be defiance to Humanitas, but obedience to Correction; it would depend on the behaviour of the King and his Court. It would seem that Argyll was likely to carry his point; but the worker by contraries was still at Wariston's side. The Commissioner, on instructions from the south, was

emitting a series of declarations branding the assembly as seditious. These, as Wariston put it, "cleared my Lord Argyll's mind" and the assembly duly set the seal of its approval to the band of 1638 in its original, unadulterated form (24).

The Glasgow Assembly was a triumph for the radicals; its acts were in a direct line of descent from the legislation of the Melvillian assemblies of the previous century. But Wariston had gained a brilliant tactical success rather than a total victory. The levying of a large army would swing the balance back towards the magnates; its success in two wars would leave them in almost undisputed control for the time being. At the Pacification of Berwick, the conservatives would demand and gain a legal assembly, which, though it would largely renew the acts of its predecessor, would nonetheless implicitly question its validity in the mere act of renewing them. Episcopacy would remain abjured; but the Covenant would enter the law of Scotland in its Hamiltonian rather than its revolutionary form. It would be enjoined by Act of Council, with the King's presumed consent, on a petition from the Assembly of 1639, which described it as a loyal enterprise after the fashion of the Band of 1589. It would be confirmed in this form,

(24) WD, I, p. 404.

with the King's actual assent, in the Parliament of 1641 (25). Wariston's wonderful chorus of "abjuring and removing" represents one aspect of a rather complicated truth; but the shifting relationship between Hamilton and Argyll displayed another. The Marquis, on the eve of his attempt to dissolve the Glasgow Assembly on the grounds of its incompetence to try the bishops, told the King, as bluntly as he ever told him anything that Laud did not want to hear, that the bishops ought to be tried. They had abused their power "by bringing in these things in this church not in the ordinary and legal way"; their "pride was great and their folly greater" (26). Argyll, shortly before the assembly dissolved itself, warned it against a similar danger latent in its own ranks. He told the ministers there to purge themselves of the "pride and avarice" that had ruined the bishops; they should "shun these rocks as they would eschew shipwreck" (27). Argyll's metaphors - which were heavy enough to sink a Spanish galleon - concealed a profound insight into the revolution which he was about to make his own. Scotland, as he saw it, had just been saved from one radical dictatorship

(25) Peterkin, p. 207; RPCS, VII, 131-2; APS, V, 292-8, 371

(26) Mise. SP, II, pp. 113-21.

(27) Gordon, II, p. 171.

engineered by professional churchmen. He was wondering - and for once he wondered aloud - whether he could save it from another one. The alignment of forces was complex. The circumstances of the moment thrust Hamilton into alliance with Laud and they both found it uncomfortable enough. Similarly Argyll and Wariston developed a political friendship, which was outwardly close in periods of danger, but which tended to wear thin in times of peace. In everything that was transient, Argyll and Wariston were allies; but they differed utterly on fundamentals. Hamilton and Argyll shared a common view of Scottish society, as they did of the Church of the Covenant, and their friendship would endure. Laud and Wariston, who never met, and probably never wanted to meet, at least agreed in their antipathies. Both sought the destruction of feudal Scotland.

So much for political theory and for the political practice that was so intimately interwoven with it. It is possible to look at the same sequence of events from a different and, in some respects, more commanding point of vantage. The National Covenant can hardly be fully understood in isolation from the organisation which sponsored it. The work of the Glasgow Assembly is comprehensible only in terms of its members and of the complex process which elected them to it.

It is as reasonable to suppose that the riot of

St. Giles was contrived as it is easy to believe that it required only the minimum of contrivance. There is no need to assume the prior existence of an elaborate network of revolutionary cells and it is impossible to prove that there was any organisation at all. Spalding tells us of a "clandestine band" contracted by various noblemen to meet the threat of the revocation. But this, if it existed at all, was merely a secret society content to bide its time. It is possible, but far from certain, that its signatories were also involved in the opposition to the Service Book. It would seem that Rothes, Lindsay, Balmerino, Coupar, Loudoun, Cassilis and Glencairn had a meeting with Alexander Henderson and David Dickson, two ministers destined to glory in the ranks of the revolution, during the late spring of 1637. In consequence, or so Guthry would have us believe, sundry "matrons" of Edinburgh were induced to let their serving maids loose in St. Giles when the Liturgy made its first public appearance (28). The story is plausible and the names are familiar enough. It may be doubted whether the conspiracy included Traquair, Lorne, the Lord Advocate or the Marquis of Hamilton since they, as members of the royal administration, were following a more cautious line of approach; but it is known that all four were sympathetic

(28) Spalding, I, p. 77-9; Guthry, pp. 23-4.

and it is unlikely that the tumult took them unawares. It is at least clear that there was a close collaboration between the two oppositions, the one within the royal administration and the other outside it; for some time after the riot of St. Giles, Hamilton, for example, employed a minister, who was later to take the Covenant, to maintain communication with the Supplicants and continued to do so until the following summer (29).

None the less the riot served to draw a fairly sharp line of division between the two groups. The Councillors, working through the normal political channels, were attempting to offset the "evil" advice of the bishops with better advice of their own. The Supplicants were trying to achieve a similar result through open, and if necessary, violent opposition, which it would be the responsibility of the Councillors to quell.

The first step was modest enough. On the 24th of August, the Councillors debated a petition from two ministers - Henderson and Dickson again - against their act of the previous June enjoining the purchase and use of the Service Book on pain of horning (30). The petition was supported by a series of letters, similarly worded and obviously co-ordinated, from sympathetic

(29) BLJ, I, p. 98

(30) RPCS, VI, pp. 445-6; BLJ, I, pp. 19-20; RR, 5-6

noblemen to individual Councillors, most of whom were similarly sympathetic (31). The latter, caught in a difficult conflict of loyalties, sought refuge in an evasion. The penalty of horning, they argued, had applied to the purchase rather than the use of the book. They insisted that the ministers should buy the books - and for all we know some may actually have bought them - but, for the time being at least, they declined to enforce the Liturgy (32).

The August petition and its sequel offers an interesting insight into the motives and methods of the parties concerned; but it was soon to be dwarfed into insignificance. On the 10th September, the King roundly denounced the evasions of a "very slack Council". He brusquely ordered it to remain in Edinburgh until the Liturgy had been "settled" and to see that the burghs, notably Edinburgh itself, elected conforming magistrates to assist in the process (33). He attempted to put the civil power at the disposal of the bishops. The capital promptly, if somewhat reluctantly, obliged by choosing Sir John Hay, the Clerk Register and a reliable ally of the Canterburians, as its Lord Provost (34); but the

(31) RR, 6-7 and App., 203.

(32) RPCS, VI, p. 521.

(33) Balfour, II, pp. 232-3.

(34) BR, Edinburgh, 1624-41, p. 194.

kingdom gave a more threatening answer. When the Privy Council met on the 20th to interpret the King's pleasure, it was deluged with petitions, some seventy in all, asserting the illegality of the Liturgy and demanding, with varying degrees of asperity, that the King be informed of it (35). As the Councillors came up to the Tolbooth, they were greeted by twenty noblemen, a "great many barons, especially out of Fife, none almost being absent", as well as nearly a hundred ministers (36). The mood was outwardly courteous, but the air was heavy with menace. The Council, after a nervous day, resolved to send a sample of the petitions to the King and the Duke of Lennox, who happened to be in Scotland for his mother's funeral, agreed to take them to Court and to urge their acceptance (37). The Supplicants, happy enough to leave their cause in the hands of one who was known to be sympathetic, dispersed to await the outcome.

The petitions came from a broad area extending from Kirkcudbright in the extreme south west through Ayrshire, Clydesdale, Stirling, the Lothians and Fife to the more accessible parts of Perthshire and Angus (38). They all

(35) RPCS, VI; pp. 699-716.

(36) RR, p. 8.

(37) RR, pp. 7-9, 18, 47-8; BLJ, I, pp. 21-4; RPCS, VI, 528-9.

(38) RPCS, VI, pp. 699-716.

said much the same thing; they all arrived at the appropriate time; they were all convoyed by an escort of armed men. It is obvious that a remarkably efficient organisation had been formed in a matter of weeks and the invaluable Robert Baillie, minister of Kilwinning in the Presbytery of Irvine, leaves us in no doubt of its character. After a consultation with his friends among the ministers of Glasgow, he informed the Earl of Eglinton, his patron and the Lord of the ecclesiastical barony of Kilwinning, that he intended to "have a session for to send a commissioner to supplicate the Council" and Eglinton cautiously agreed to allow his son to be nominated. He went on to approach the ministers of seven other parishes sometimes suggesting that they in their turn should speak to their neighbours. He also drew up a list of suitable commissioners: Hunterston or Waterston from Kilbride, "old Skelmorlie" from Largs, Caprinton from Dundonald and so on. He must surely have been satisfied with his journeyings; at least seven out of his ten parishes sent petitions to Edinburgh (39).

Most of the petitions, as Baillie's account implies, emerged from the kirk sessions of individual parishes. They were the work of a body consisting, on the one hand, of a salaried minister and, on the other, of a group of

(39) BLJ, I, pp. 13-14.

elders, who, as we shall discover, were normally drawn from the feuars or the tenantry of the parish. In some cases, as for example in Stewarton, Cumnock and Dundonald, the session was augmented to include the "gentlemen" of the parish; while the petitioners from the landward area of Culross described themselves as the "heritors and feuars" of the parish - that is the feuars of the temporal lordship of Culross (40). The Supplicants, like the bishops before them, were using a device which had built the new estate, the estate of the landed vassal, into the machinery of the church. In 1635, the elders and gentlemen of Dundonald had passed an act to exclude the sturdy beggar from their parish; in the spring of 1638, they would subscribe a local covenant to perform this same, apparently prosaic, task (41). The kirk session, whether it was augmented or not, was the natural outlet for those who were excluded from the feudal structure and the natural constituency for those, like Wariston and Laud, who wanted to bring it down.

Baillie's account confirms that the session as a whole was responsible for the petitions, but it also implies that the minister had a special role. Baillie himself took the original initiatives and most of his

(40) RPCS, loc. cit.

(41) The Session Book of Dundonald, 1602-1731, Ed. H. Paton, pp. 398-400, 521-2.

contacts were ministers. The official apparatus of the Presbytery of Irvine was denied to him, since the Archbishop was still actively attempting to rule his diocese; but it is clear that an informal presbytery, consisting of ministers willing to risk the bishop's displeasure, was beginning to emerge and that Baillie was its "moderator". Elsewhere the process had already been carried one stage farther. The presbyteries of Dalkeith, Haddington, Cupar, Stirling, Perth and Auchterarder, presumably acting with the connivance of their constant moderators, submitted petitions on behalf of their congregations (42). There had probably been some discussion within the kirk sessions concerned, but their elders were not directly represented in the presbytery. The levers of local power were operated by professional churchmen. There would always be a tendency for parochial feeling, whether radical or not, to express itself through the minister.

It may be doubted whether Baillie himself entirely approved of this trend. He would always, in deference to the original character of the Reformation, champion the rights of the layman at every level of the church. He would probably, at this early stage, have declined to answer the questions, vital to us, which lay participation

(42) RPCS, loc. cit.; P.R., Dalkeith, 14.9.37.

necessarily posed. What sort of laymen should participate in the courts of the church? It is interesting that all his suggested commissioners were landowners of one kind or another. But some were "barons" within the feudal structure, while others were "gentlemen" outside it. The lay principle was capable of a conservative as well as a radical interpretation and Baillie, busily bustling from parish to parish, was feeling his way. In Kilwinning itself, where the superior was friendly and the vassals numerous, his choice was clear. He wanted Eglinton and settled for his son and this was not untypical. But these were early days. The image left by the September Petitions is blurred, partly because the Supplicants themselves chose to imply, however implausibly, that the petitions were not organised at all (43). Like the support for the Ministers' Petition before them and their riotous sequel of mid-October, they just happened. The movement was neither conceived nor born; it was found under a gooseberry bush.

The King's answer, expected on the 18th October, turned out to be no answer at all. The Supplicants, now gathered in much greater numbers, were given twenty-four hours to leave the capital, which - as it had been in 1596 - was threatened with the withdrawal of the Privy Council and the Court of Session. The Privy Council

(43) RR, pp. 17-19.

obediently passed an act ordering everybody out of the city who had no personal reason for being there, but they had left their retainers at home. They lacked the means, and in many cases the will, to implement it. The reaction of the Supplicants was no less predictable. They chose to stay and took the first opportunity of showing that they could not be ejected. As the Bishop of Galloway, the least popular of the Canterburians and the first to lose his nerve, left the Council, he was greeted by an angry mob thirsting for his blood. Traquair appealed for order and failed to get it; but at least he knew what to do. He sent a messenger to the leaders of the Supplicants, who were in conference nearby, and appealed for their protection. They eagerly obliged and the bishop was safely conducted down the High Street to his destination (44). It had been a remarkable display of disciplined violence and it showed, as it was meant to show, that the Supplicants could rule Edinburgh as long as they chose to remain in it.

In the meantime, Sir John Hay was meeting a similar fate. A "multitude flocked in a high mood" to the Tolbooth as the Town Council met to discuss a riot which it was technically their business to disperse. A vast gathering, consisting of the Edinburgh mob almost certainly stiffened

(44) RPCS, VI, pp. 536-42; RR, pp. 13-20; WD, p. 270; LD, pp. 35-36.

and organised by units from the Supplicants, raucously demanded the appointment of commissioners and threatened to lynch the Council if they were denied. Hay, who was in the chair, cajoled, cheated and threatened by turns; but the King was far away and, beyond the doors the mob was clamorous (45). The Council, many of them sympathetic in any case, voted almost unanimously to join the Supplicants; John Cochrane, once a Bailie and recently Dean of Guild, and John Smith, a future Lord Provost, were promptly commissioned to attend them. The capital had caught up with the kingdom (46).

The terms of surrender were quickly arranged and it is significant that Hay and Galloway were chosen to negotiate them. They began by complaining bitterly of the hordes which had taken over the city and went on to plead that they should come in smaller numbers. The Supplicants, taking "much vantage" of the opportunity thus presented to them, agreed to disperse, but decided to meet again on the 15th November to elect representatives. It is as unlikely that Galloway and Hay had intended this as it is certain that they were impotent to prevent it. The Supplicants appeared once more in strength; but this time their bearing, like their

(45) BLJ, I, pp. 37-38; RR, pp. 14-15; LD, p. 270.

(46) BR, Edinburgh, p. 197.

purpose, was different. Violence was now pointless; it would merely have served to embarrass their friends on the Privy Council. The multitude stayed quietly in the background, thus demonstrating that it was an army rather than a mob; while its leaders negotiated the formal recognition of the new structure with Traquair and Lorne. The elections were held and a central executive, which would eventually develop into an alternative government, was formed (47).

The election of a central co-ordinating committee rounded off a structure which was now almost entire. The noblemen met and selected some of their number to stay in the capital indefinitely. The "barons", who were present in much greater numbers, split up into their various shires to hold a series of meetings resembling those regularly convened by the sheriffs each autumn for the election of members of Parliament. Each shire chose two commissioners entitled to sit on a central committee and it seems likely that these in their turn met to leave a smaller delegation in Edinburgh. The burghs exactly followed their example; a large meeting consisting of one commissioner from each burgh present with two from Edinburgh authorised a small committee to act in its name (48).

(47) RR, pp. 23-30; BLJ, I, pp. 40-2; RPCS, VI, pp. 544-5.

(48) RR, pp. 28; BLJ, I, p. 42; WD, p. 272.

Thus far the influence of the parliamentary example is fairly obvious. The organisation, which subsequently came to be known as the Tables, was very similar to a Parliament or Convention from which the clerical estate had been removed. As such it clearly anticipated the Parliaments of the sixteen forties with their three secular estates and their Committees of Estates entitled to act executively on their behalf in the intervals between Parliaments. But the elections to the Ministers' Table reveal an interesting contrast. The ministers met in their presbyteries and duly chose their representatives in more or less the same fashion, but here the similarity ends (49). A minister, unlike a bishop or an abbot, was a landless stipendiary with no assured place in the feudal structure; he held no superiorities. His constituency, as we have seen, belonged to the seventeenth century rather than the sixteenth. It consisted of the various elements - the professions, the feuars and the tenant farmers - which were included in the kirk session but excluded from the heritable jurisdictions. It reached down into social strata which a feudal Parliament could not recognize.

This new estate had a particular meaning among the parishes of the ecclesiastical temporalities. Here the minister did represent, among others, the landowners of

(49) Ibid.

his parish, especially when the kirk session was augmented to include the feuars; but he stood for the landed vassal rather than the superior who, if he was represented at all, represented himself at the Noblemens' Table - and this was surely the hidden flaw in the monolith of the Covenant. It represented a coalition which only the worker by contraries could effectively unite.

It would seem that, in a parish of this type, the landed class was often represented through the minister, the presbytery - which still consisted solely of ministers - and the Ministers' Table; but there were also other parishes and here a different, and essentially civil, organisation was emerging. The Barons' Table had a network of local agents covering an area extending from Kincardine to the Borders and from the Lothians to Ayr. Upwards of forty lairds, each representing the district in which he lived, were charged with the duty of acting on the "advertisements" of the central committee (50). It was they who elected the central committee and it is possible, though not certain, that they were themselves elected by the lairds of their own localities. An early list of these local agents indicates that nearly all of them, and indeed all of those who served on the central committee itself, were freeholders with a baronial

(50) NLS, Adv. MSS, f. 31.

jurisdiction; but it is evident from the profusion of terms - barons, shire commissioners, gentry and gentlemen - used to describe them, that there was no formal definition of their status. The Barons' Table spoke with the voice of feudal Scotland; but its constituency was larger or at least capable of enlargement. There were indeed already signs that it was about to grow. Early in March, soon after the Covenant had invested the Tables with the standing of an alternative government, this organisation was used to invite and collect voluntary contributions from its supporters among the landed class (51). These contributions, which would eventually develop into a totally new system of taxation, were paid, on the basis of the free rent yielded by his estate, by the heritor because he was a heritor rather than by the baron because he was a baron. But, for the time being at least, the system was managed by an organisation dominated by barons and this was plainly anomalous in the parishes of the temporalities. The situation demanded that it should develop into an organisation of heritors who might, or might not, be barons. At the same time, it would begin, and was probably already beginning, to create a new unit of administration. The traditional unit, the shire, was

(51) RR, pp. 80-1.

often too large to serve the purpose efficiently; while the sphere of influence of the agent himself - however useful it may have been during the embryonic stage - might well be too small and was certainly too vaguely defined. The civil parish would soon be surmounted by a civil presbytery consisting entirely of heritors (52).

In the meantime, the ecclesiastical presbytery had also been changing with the times. As early as the previous September five presbyteries had been controlled by the Supplicants. A year later, on the eve of the Glasgow Assembly, the total would approach fifty. The conquest was gradual and Lanark, restrained by its constant moderator until the turn of the year, conveniently illustrates the processes involved. At a meeting in February, the moderator's adversaries, a large majority of the ministers present, urged him "in a calm and loving manner" to "concur and run course" with the supplicants. This was probably standard procedure and it had already been effective in other cases, where the moderator had been sympathetic. If this had been so in Lanark, he would simply have laid down his office in favour of a moderator - possibly himself - elected for a limited period. But John Lindsay, minister of Carstairs, though not entirely unsympathetic, would have none of this. He was

(52) Register of the Presbytery of Lanark (Abbotsford Club, 1839), pp. 78-80.

then asked to give up his office, which he again refused to do. The majority then told him that they would choose their own moderator and go on without him. In effect, they formed a new presbytery of their own which went on to perform the functions of the old one (53).

At the same time, the presbyteries were beginning to usurp the duties of the bishops. Kirkcaldy admitted George Gillespie, the radical "thunderer" of the sixteen forties, to the parish of Wemyss in April (54) and the example was followed in other vacant parishes in the presbyteries of Haddington, Dumfries and Dunfermline (55). The church of Scotland had come to consist of Kirk sessions, purged as necessary, of presbyteries without constant moderators, of synods without bishops, and of the Tables, which included the ministers but were dominated by the feudal classes. But the Tables also had a civil organisation at their disposal, which similarly extended its tentacles downwards into the localities. They were an alternative government in every sense of the term. They brought church and state together in a

(53) Register of the Presbytery of Lanark (Abbotsford Club, 1839), pp. 12-13.

(54) PR/, Kirkcaldy, II, 26.4.38.

(55) BH. pp. 53-4, "Articles of Information . . . for my Lord Archbishop of St. Andrews".

manner which, at the national level at least, the Lords of the Congregation would have approved. But the Tables were a seventeenth century phenomenon and the lower levels of their administration, the church and state alike, reflected the silent revolution of the years between.

The organisation, thus formed and almost completed, lacked only a Clerk and the deficiency had been supplied, apparently casually enough, on the 5th of December, when Lord Loudoun invited Archibald Johnston, advocate of Edinburgh and feuar of Wariston in the Barony of Renfrew, to act as its legal adviser. Wariston accepted through a cloudburst of tears precipitated by fears, as genuine as they were unjustified, of his own inadequacy. He may well have known what he was doing, but Loudoun almost certainly did not. For Wariston, with his uncanny grasp of legal precedent, was soon to make himself indispensable. He had already, with remarkable prescience, pondered the list of statutes which were soon to figure in the National Covenant. He would be called upon to produce a whole series of long and erudite protestations, some of them at very short notice. He would make himself almost entirely responsible for drafting the official papers of the Tables. He was, as Baillie aptly put it, a "nonsuch for a Clerk" and he attempted to use his position to change the direction of the revolution. He was not entirely

unsuccessful (56).

Almost from the beginning, the first objective of the Supplicants had been the calling of a general assembly. Now, in the summer of 1638, when aspiration gradually blended into achievement, the vital question of its composition thrust itself into the foreground. On the 26th of June, the King's Commissioner brought up the issue in a private conversation with the Earl of Rothes. The reply, though strictly inexact, was unequivocal enough. The assembly should consist of "two ministers and one lay elder chosen out of every presbytery"; it would comprise a series of mixed delegations sent up from the lower courts of the church (57). The Crown would - or so it hoped - be represented by the Commissioner himself; but, this apart, there would be no nominated element. Hamilton, possibly reflecting that this arrangement would suit him personally better than it would suit his master, prudently allowed it to pass without comment. On his return from Court a few weeks later, he delivered the King's official response: "strive to draw it as near as may be to the former assemblies of my father's time". It was clearly impossible to insist on

(56) WD, pp. 279-80.

(57) RR, pp. 83-4; LD, pp. 116.

the presence of the bishops themselves if only because the prime purpose of the assembly was to try them; but it must include the constant moderators whether they were actually commissioned by their presbyteries or not. The presence of laymen was not specifically denied - indeed it was assumed that some laymen would be nominated by the Crown - but it was insisted that "no lay person whatsoever" could "meddle" in the elections, above all that they could not participate in the choice of ministers (58). The King saw the assembly as an essentially clerical body to which a sprinkling of Councillors and Officers of State might be added. The Supplicants, by contrast, wanted an assembly, in which the laymen would not only be powerfully represented but actively consulted at every stage of a rather complicated electoral process.

If Charles looked back to the first two decades of the 17th Century, it was no less inevitable that the Supplicants should have sought, and perhaps have found, their precedents in the last two decades of its predecessor. They were clearly tempted by the Second Book of Discipline with its seductively symmetrical assembly of representatives from below; but Melville's elders were not laymen and they ~~found~~^{proved} the practice of the church more useful than its theory. The re-discovery of the proceedings of the assemblies concerned allowed them to argue

(58) BH, p. 83; LD, p. 116.

that laymen had, at least in particular cases, often taken an active part in presbytery meetings. They claimed that "barons" and "gentlemen" had appeared as elders at the first erecting of presbyteries and that they were subsequently recalled for special, though unspecified, purposes. They asserted that from 1588 onwards, the presbyteries had chosen certain "barons" and "gentlemen" sometimes including "Lords and Earls", to go with their ministers to the assemblies of the period (59). These claims, which were openly propagandist in character, are no longer verifiable; but there can be no doubt about the act of the Dundee Assembly of 1598 which sought to define the membership of assemblies with some precision. According to this act, the "commissioners to every assembly" were to be "three of the wisest and gravest of the brethren from every presbytery at the most" together with one layman "in name of the barons" and "one out of every burgh" with the inevitable exception of Edinburgh which would have two. This act was publicly distributed by the Tables to the presbyteries at the end of August (60). It was held to be definitive; it was the founding charter of the assemblies of the period.

(59) NLS, Wodrow MSS, Folio, LXI, no. 81.

(60) BUK, III, pp. 947-8

But the act, definitive though it might seem to have been, was vague in detail. It conspicuously failed to describe the mechanism which allowed a clerical body, as the presbytery still was, to send a "baron" to the general assembly. The newly rediscovered records of the assemblies, which so conveniently noted his arrival, did not disclose how he had got there. The solution was ingenious enough. As a first step, the barons would contrive their election to their local kirk sessions, if they were not already members. Thereafter the electoral process would be divided into two stages. Each session would send an elder, who would naturally be a "baron" if one was available, as well as its minister to the presbytery, which would thus come to include, if only for the purposes of the election itself, an equal number of clerical and lay members. This augmented presbytery would then select a delegation, consisting of either two or three ministers and one layman, probably a baron, to the assembly (61). All its members, with the inevitable exception of those actually nominated to the leet, would be entitled to vote for all the commissioners. The exception was important since the ministers' leet was likely to be the longer of the two and it followed from this that the electorate would normally contain a pre-dominance of laymen.

(61) LD, pp. 129-31; WD, p. 377.

Thus far the system was publicly proclaimed, but it was elaborated in three documents, the one circulated privately around the presbyteries and the other two directed very privately indeed to certain "trustworthy persons" in the localities. Each presbytery had one minister, entrusted by the Tables with the organisation of the election, and one "baron", presumably one of the local agents of the Tables, authorised to see that he had the necessary force at his disposal. If any session proved recalcitrant, the barons were to "put themselves in possession notwithstanding any opposition". Nor was this all. Once the session elections had been completed, the chosen elders were to be convened by the shire commissioner and enjoined "on their oath" to vote in the presbytery meeting for "none but those who are named already at the meeting in Edinburgh". This was not to be a nominated assembly in the Jacobean sense; but it was to be nominated nonetheless; indeed it had, no doubt after consultation with the "trustworthy persons", already been nominated. The principles underlying the selection were revealing enough: if a suitable nobleman lived in the presbytery, he was to be chosen; where there was none, the choice should fall on a "baron or one of best quality and he only a Covenanter". Where a nobleman's territorial interests were distributed through several presbyteries - and this was so in many cases - he should be elected by the one with the "greatest scarcity of able

men". The civil presbytery, which was now a living reality, would join and dominate the ecclesiastical presbytery (62).

The new system was not accepted without argument. It had been debated by the Tables for the first time in mid-August when the King's proposals for a clerical assembly had been received. The intended reply, which asserted the rights of laymen, was rejected by a majority of the Ministers' Table, because it implied the "ordinary sitting of lay elders" in presbyteries and because it allowed laymen to vote in the election of ministers to the assembly. It is evident that some of the ministers found the King's ^{concept of an} assembly more congenial than their own. But their objections were simply swept aside. The three feudal Tables threatened to "quit" them "in the cause" if they persisted. It may be significant that laymen did not attend the ordinary meetings of most of the presbyteries until the following year; but the ministers were forced to back down on the main issue. The rift was there for all to see and there was no mistaking its nature: "sundry of the brethren" resented "the gentry's usurpation over them" - a proposition on which Melville and the Bishop of Ross might have agreed (63).

(62) LD, pp. 281-4; BLJ, I, App. pp. 469-70; WD, p. 377.

(63) WD, pp. 374-5, BLJ, I, pp. 98-9.

The ministers' reluctance was open and unashamed; but there was another conflict, thus far less obvious though no less important. Wariston's constituency, as we have suggested, extended beyond the ministers in the kirk sessions which they nominally represented. The general flavour of the electoral system was blatantly aristocratic; but the word "gentleman" was used as well as the word "baron" and its meaning, never defined, was conveniently ambiguous. The new estate was not entirely neglected. There were indeed three forces at work. One looked back through the Ruthven Raiders to the Lords and Barons professing Christ Jesus; another reflected the combined influence of Melville and Charles I; yet another derived from the Privy Kirk. The fear of the Canterburian bishops and the English Army that might be behind them, held them together. As Wariston said: "ruling elders" would "hold episcopacy at the staff" (64). Some of the ministers, by contrast, plainly feared that they were merely exchanging one kind of bishop for another.

The term "ruling elder" had normally been used to draw a distinction between the elder and the minister. Now Wariston was using it in an entirely different sense. He was distinguishing the presbytery elder and the assembly elder from the ordinary elder who sat from week to week

(64) WD, p. 378,

in his own kirk session - and this was entirely new and highly significant. The Assembly was founded on an act which had described its laymen in feudal terms as barons; the system laid down by the Tables indicates that the term was far from inappropriate. And yet the nominal role of the assembly would describe them in ecclesiastical terms as elders, while their commissions would testify that they had arrived there by an impeccably ecclesiastical route (65). Direct evidence is lacking, but this was surely a compromise between layman and minister. The present dominance of the layman was not seriously contested, but the ministers succeeded in carrying the general principle. The laymen concerned were, however nominally, ecclesiastical persons. There would be no clerical assembly, but it would at least be disguised as an assembly of churchmen.

It is possible to trace the progress of the elections as they occurred; though some kirk sessions, no doubt conscious of their novelty and doubtful of their legality, failed to record them. The sequence had really begun early in May, shortly before the King's Commissioner arrived in Scotland. In Kilconquar, the session, augmented to include the "gentlemen" - that is the heritors - of the parish, drew up a rota, consisting entirely of landed proprietors, to attend the "weekly

(65) Peterkin, pp. 109-111; NLS, MS 3840.

meetings of the presbytery" of St. Andrews according - as they alleged - to the "ancient and laudable custom before observed in this kirk of Scotland", and this presumably continued for the rest of the summer. Then, on the 9th September, Forbes of Rires, with the consent of the "gentlemen and elders" of the parish, was appointed to attend a presbytery meeting a few days afterwards, there to vote as he should think "most expedient for God's glory and the good of the kirk". The phrase is vague and it was obviously meant to conceal the fact that it was intended to hold the assembly elections before the Commissioner's return, that is before it was known whether he would proclaim an assembly or not (66).

On the 13th of May, Falkirk elected a new session more or less in the normal fashion. Lord Almond was re-elected, thus continuing a long tradition which had regularly placed the Lord of the large civil regality of Callendar at the head of the roll of elders. Then he was joined by a newcomer in Sir Thomas Hope, the second proprietor of the parish and holder of the barony of Kerse. Almond was a Councillor, who would prove his sympathy with the Supplicants by recognising the Glasgow Assembly as soon as the Commissioner had tried to dissolve it; Kerse was an outspoken Supplicant who almost

(66) KSR, Kilconquar, 13.5.38, 9.9.38.

certainly enjoyed the favour of the Tables. Neither attended at all regularly; indeed neither was actually sworn in until the 9th September when, as in the case of Kilconquar, the elections to the assembly were discussed for the first time. The session, almost certainly under pressure from Almond, decided to postpone their choice "until the return of His Majesty's Commissioner". Neither attended again until the 23rd, when Hope appeared but Almond did not. The election was postponed again, though only until 25th when a rather poorly attended meeting, lacking both the principals, considered a letter from Almond and promptly elected him. It seems possible that Kerse was not informed of the meeting. Almond's bailie, Livingston of Westquarter, who had attended throughout and who may have stage-managed the whole affair, was appointed to go to the presbytery in the absence of Almond himself. The result was at once a defeat for the Tables and a triumph for the system they had created (67).

The response of the parish of Stow, where the minister would shortly be deprived, was noticeably less

(67) KSR, Falkirk, 22.5.38 - 25.9.38, Regality of Falkirk, 9.12.38, I am most grateful to Miss Hunter of the Scottish Record Office for allowing me to use her indexed transcript of these records.

enthusiastic and the election to the presbytery of Earlston was deferred until the 30th. Once more, the session was augmented to include the "gentlemen" who were for the most part the feuars of the Archbishop of St. Andrews. They drew up a short list of seven, six of whom were heritors. The issue, surely somewhat oddly, was decided "by drawing of seven figures", six of the candidates were Pringles; perhaps it did not matter. However this may be, "it befell to ... John of Cortilferry", a small feuar, who took the hill road to Earlston a few days later safe in the knowledge that he need go no further (68).

It is possible to build up a more complete picture for the neighbouring presbytery of Haddington. On the 9th of September - a date that recurs too often to allow of accident - the session of Pencaitland added three new elders - two heritors and the son of one of the two - to its number. A week later, a few days before the assembly was proclaimed, one of the three - Belsches of Belsches - was chosen ruling elder (69). The session of Bothans can have had few doubts. Lord Yester, an original suppliant who was already an elder and the only large magnate in a rather small parish, was unanimously, and surely automatically, elected on the 18th (70). In the

(68) KSR, Stow, 30.9.38.

(69) KSR, Pencaitland, 9.9.38 - 16.9.38.

(70) KSR, Bothans, 18.9.38.

presbytery as a whole, 14 of the 15 parishes participated in the election, and the fifteenth probably did not have a minister. Eleven of the fourteen sent a proprietor as ruling elder, the remaining three - Bolton, Morham and Athelstaneford - being small, unimportant and largely in the hands of absentee landlords. (70)

On the opposite shore of the Firth of Forth, the ruling elders from the rival parishes of the presbytery of Kirkcaldy were all proprietors. (71) Lowland Perthshire presented a rather similar picture. Nineteen parishes sent ruling elders to a presbytery meeting in Perth on the 26th September; of these 13 were landed proprietors; one was a nobleman - the Earl of Wemyss; three others - Moncrieff of Moncrieff, Ruthven of Frieland and Blair of Balthayock - would serve as shire commissioners in the Parliaments of the next decade or so; at least five had a baronial jurisdiction; another was bailie of the regality of Abernethy which was held by an absentee; yet another was a feuar in the Lordship of Methven, which was held by the absent Duke of Lennox; two more were feuars of the Lordship of Scone. Five of the thirteen were the wealthiest proprietors in their parishes, three more were the second wealthiest and one of these was the wealthiest resident; most of the remainder were typical feuars in

(71) PR, Haddington, 12.9.38 - 21.9.38; PR, Kirkcaldy, 24.9.38.

parishes divided among many relatively small proprietors. The impression remains that one or two of the feuars and some at least of the tenants appeared as substitutes for other and wealthier men. The bailie of regality is an obvious example and there were almost certainly at least two more. Ruling elders began to attend the ordinary, as distinct from the election, meetings of the presbytery during the following January and the first list included two notable additions. Dron was represented by Auchinlek of Balmanno, the wealthiest heritor in the parish and the son of a former shire commissioner who had recently died, while Scone sent Viscount Stormont instead of one of his vassals (72). By and large, the elders who appeared in the presbytery of Perth, and indeed of Haddington as well, were the wealthiest Covenanters in their parishes; and they included a significant sprinkling of magnates who probably dominated the elections.

The peripheral presbyteries of Strathbogie and Chirnside display an interesting contrast. In the former, where the Gordon influence was powerful, thirteen parishes mustered only eight ruling elders and the remaining five quite specifically refused to send them. The presbytery elected one of them, but he did not go;

(72) PR, Perth, 26.9.38: Perthshire, passim; Retours, Perthshire, passim.

while the two chosen ministers returned to Strathbogie as soon as the Commissioner had left the Assembly (73). In Chirnside, where the presbytery had been similarly unenthusiastic, lay intervention brought a sudden and dramatic reversal. The Earl of Home, himself an early Suppliant and a future signatory of the Band of Cumber-nauld, was chosen, one imagines without much difficulty, "for the seculars" by his own kirk session. He then proceeded to the presbytery, where he threw out the moderator and engineered the election of - to quote a hostile source - three "ignorant" and "malicious" ministers as well as himself (74).

Baillie tells us a good deal about the elections in the south west. In his own presbytery of Irvine, two of the three ministers, including Baillie himself, were unanimously elected, but the most obvious candidate for the remaining place was passed over "for his wilful opposition to the lay elders" in favour of a reliable nonentity.

In the neighbouring presbytery of Paisley, where the presence of elders was not recorded in the minutes, a parallel situation found a parallel solution (75); but the

(73) Presbytery Book of Strathbogie, (Spalding Club VII) pp. 18-19.

(74) SP (Domestic), 399, no. 17.

(75) BLJ, I, 104; PR. Paisley, 21.9.38.

most obstinate struggle took place in Glasgow. The levers of local power had traditionally been operated by the Archbishop, who was hostile but demoralised, and the Duke of Lennox, who was friendly but aloof. It was a situation which had clearly been anticipated by the Tables. In the spirit of their instructions, they proposed to import the Earl of Eglinton from the presbytery of Irvine with its enviable surplus of Covenanting magnates. But the ministers, mindful of a long local clerical tradition and fortified by the proximity of the Commissioner, declined to elect any ruling elder at all. The election was hastily postponed and a powerful delegation from the Tables, headed by Loudon, harangued the ministers into submission. Eglinton was duly elected and Loudon rounded off his triumph by securing the election of a ruling elder in the Commissioner's presbytery of Hamilton, though here a group of ministers signed a formal protestation against the elections and the part played by laymen in it (76).

The conflict in Clydesdale had been between two contrasting concepts of the nature of the General Assembly. The Commissioner had sought, on behalf of the Crown, to achieve a clerical assembly elected by clerical presbyteries. The Tables, on the other hand, were striving for an assembly, which would indeed consist predominantly of ministers, but which would, nonetheless, be

(76) BLJ, I, 106; WD, 394.

dominated by the feudal classes. We may speculate that the Marquis of Hamilton would personally have preferred to have turned the system to his own advantage by actively participating in the elections themselves. However this may be, it is reasonably clear that Almond had already done this in the kirk session of Falkirk and absolutely certain that two other Councillors, Southesk and Traquair, were actually doing it in the presbyteries of Brechin and Peebles. These were struggles of an entirely different kind, since both parties accepted the general principles underlying the instructions issued by the Tables.

In Brechin, a meeting attended by a chosen few yielded a commission for Erskine of Dun, a descendant of the reformer and the nominee of the Tables; but a second meeting, better attended than the first, elected Lord Carnegie, the heir to the greatest magnate in the region, the Earl of Southesk. Southesk himself, as a Councillor, had not taken the Covenant; but he had allowed, and perhaps encouraged, his son to do so. Carnegie was thus, under the rules laid down by the Tables themselves, the obvious candidate. But the Tables no longer trusted Councillors or their sons. Their own choice was a relatively small laird, almost certainly supported by the Earl of Montrose, who held the barony of Old Montrose in the parish of Maryton. There is no evidence that Montrose actively intervened - indeed he

was the designated ruling elder for the presbytery of Auchterarder - and it seems obvious that the first meeting was carried by stealth rather than confrontation. However this may be, the name of Montrose headed the list of signatures which attached the imprimatur of the Tables to Dun's commission and denied it to Carnegie's. The conflict between them was left to be decided in the assembly itself (77).

The election in Peebles brings the same issues into sharper focus. The story really began on the 2nd August, when Gavin Mackall replaced the previous moderator. At first glance, he was a strange choice; he had served the same cure since 1603 without attracting much notice from anyone; in 1638, he was old, ailing and obscure. But it may be significant that he was the minister of Traquair and that James Stewart, 1st Earl of Traquair, Councillor and Lord High Treasurer, was the patron of his living and the largest proprietor in his parish. The election was originally intended for the 27th September, when the brethren duly attended with their ruling elders. The Earl of Traquair was also present, ostensibly to discuss the vacant living of Kailzie, of which he was also patron. He affably offered to fill the vacancy or alternatively to divert the stipend to "pious uses". This was generous

(77) LD, pp. 239-41; Peterkin, 135-6; BLJ, I, 131-3.

enough, but it did not give him a voice in the election. He had taken the 1598 act literally and had attended as a "baron" and this was disallowed. Not to be deterred, he procured, presumably with the connivance of the moderator, the postponement of the election until the 1st October and used the interval to some purpose. The ruling elder for Traquair - who was probably one of his tenants - had not had a written commission from his session. The King's Treasurer hastily substituted himself and cheerfully presented himself in the presbytery as an ecclesiastical person. It was predictable that this second meeting would be less affable than the first. The ruling elder for Lyne was none other than Lord Yester, who had been chosen commissioner for the presbytery of Haddington a week or so earlier. At first, the meeting took its normal course. Five of the more articulate ministers were nominated to the leet and duly removed; they included Gavin Mackall and John Bennett, both supported by Traquair. Three lairds - Stanhope, and Blackbarony for the Tables and Posso for Traquair - followed their example, leaving the two magnates to maul among the minnows. The election itself was punctuated by protestation and counter-protestation. The two principals angrily contested each other's commissions. Traquair had intruded himself at the last minute; Yester was neither resident nor had he - or so it was alleged - the support of the residents. Yester objected to Cardrona

as ruling elder for Kailzie, which had no minister. Traquair retorted that the elder for Glenholm was a rebel at the horn. Yester complained that Nasmyth of Posso had helped to vote himself onto the leet and so it went on. At some point in the debate a lonely clerical voice had whispered a protestation against lay elders; one can see his point.

The result was a paper triumph for Traquair. Posso was chosen ruling elder while Mackall and Bennett were among the three chosen ministers; but neither Mackall nor Posso would reach the assembly. The moderator, who would be dead before the winter was out, pleaded his infirmity and resigned his commission. The whole delegation was suspended by the Assembly pending a decision on the inevitable protestation against the election. The protestation was eventually rejected; but, by this time, Hamilton had left the assembly taking Traquair - and thus Posso - with him (78). It is perhaps fair to add that this might not have happened. Traquair, like Southesk, had challenged the Tables under their own rules and he had won. If the rest of the Council had followed their example, the resulting assembly would surely have followed a rather different course. That most of them did nothing at all possibly reflects their reluctance to assist a King who

(78) PR, Peebles, 2.8.38 - 1.11.38; BLJ, I, 131-3;

Peterkin 135-6.

seemed determined to exclude the feudal classes altogether, if he could. They declined to engineer their own destruction.

One presbytery, on the southern shore of the Moray Firth, stands apart from all the others of which records have survived. The Bishop of Moray, the most determined of the bishops and the only one to use his civil power to any purpose, was still in control of at least part of his diocese and he continued to attend the presbytery of Elgin until the following February. On the 25th October, he held an election, quite unlike anything envisaged by the Tables. There were no ruling elders nor any laymen at all. Only two commissioners were elected - from Glasgow was far distant - and both were ministers. One was the Bishop's son; both would soon be deprived (79). In Elgin at least, the King's concept of a clerical assembly was respected, and it can be inferred that Elgin was not entirely alone. Out of a total of 61 active presbyteries, 53 actually appeared in the nominal roll of the assembly. Of the remaining eight, one - Brechin - had its commission disallowed, while the rest either sent no commissioner or withdrew with the King's Commissioner. These were Chanonry, Abernethy - Aberlour, Fordyce, Ellon, Strathbogie, Arbroath, and, as we have seen, Elgin. In

(79) PR, Elgin, 25.10.38, 13.12.38 - 14.2.39.

addition, no ruling elder was listed for Orkney, Kincardine O'Neil, Garioch, and as we have seen, Peebles. Aberdeen elected two delegations, one with a ruling elder and one without; the former was accepted (80). In two of these cases - Brechin and Peebles - the presence of laymen was not seriously contested. The inference to be drawn from the rest is sufficiently obvious. They were all north of Tay; most of them were either in the north east or the Moray Firth.

The burgh elections were, for the most part, uneventful. They were based on the same act of 1598 which had determined the shape of the assembly as a whole and this had entitled each royal burgh to send a commissioner with the exception of Edinburgh which was allowed two. As in the case of the barons, the act had made no pretence that these commissioners were ecclesiastical persons and it was presumably this which led the Tables, no doubt under pressure from their clerical wing, to place their own interpretation on its meaning. Possibly looking back to an even older act of the Assembly of 1568, they insisted that burgh commissioners should be elected with the "consent" of their kirk sessions. There was no suggestion that the commissioners must themselves be elders - though many of them probably were; but it was

(80) Peterkin, pp. 109-111, 135-7; Spalding, I, pp. 114-6.

implied that the church, acting through the local kirk session, was entitled to a veto on their selection. In fact all the surviving commissions definitely accepted by the assembly stated that the delegates concerned had been elected with the advice or consent of their sessions; while two others, from Annan and Sanguar^h, in which consent was not signified, may, though the evidence is not entirely clear, have been rejected (81).

The practical meaning of this advice is difficult to assess. In Edinburgh, 19 Magistrates and Councillors were joined by two ministers and 37 sessioners for the purpose of the election (82). But it is far from clear that the churchmen actually voted and it seems rather unlikely that they did so. It is almost certain that the Town Council merely chose a merchant and a craftsman, exactly as they would have done in the case of an election to Parliament, and that the kirk sessions then gave their consent. Whether this is so or not, it is evident that the Commissioners, once elected, saw themselves as the representatives of their burghs. The Edinburgh delegation sent back regular reports to the Town Council - not to the session - while the Glasgow commissioner, who was also the Lord Provost, was bound

(81) Gordon, II, 5.

(82) BR, Edinburgh, Minutes, 13.10. 38.

to seek the opinion of his Council before casting his vote - and this is surely remarkable (83).

The Glasgow election is well recorded, but the Minutes of the Town Council do not mention the kirk session at all. On the other hand, the commission, which was made out a week later, does state that the session was consulted. (84). It seems evident that the session was subsequently invited to confirm the election and that they actually did so. This may well have been a fairly general practice, but it is fair to add that Glasgow was a special case. At a time when most of the burghs had fallen to the Supplicants, Glasgow placed itself at the disposal of the King's Commissioner. The Archbishop, using his civil power at Hamilton's prompting, successfully procured the election of Patrick Bell as Provost and four of his friends as magistrates and this had been a minor triumph, since Glasgow had already been chosen as the site for the assembly. As it transpired, the eventual outcome was unfortunate. Bell was duly elected as commissioner to the assembly; but he stayed on after Hamilton had gone, solemnly sat in judgment over the Archbishop, who had appointed him, and then, as if to make betrayal doubly sure, voted for the abjuration of

(83) BR, Edinburgh, 1626-41, App. XV, pp. 321-4; BR, Glasgow, 1573-1642, pp. 394-5.

(84) BR, Glasgow, 1573-1642, p. 393; NLS, MS 3840, f. GI.

episcopacy as well (85). No doubt he was mindful of the hordes of armed men that surrounded the assembly; but there may also have been an element of cold calculation in this. Glasgow escaped from the clutches of the bishops, who were usually demanding and nearly always there, into the gentler grasp of a distant Duke who was too idle to use his power oppressively.

It is scarcely surprising that Aberdeen should have been another exception. The Council itself seems to have contemplated sending a commissioner; but, if they did, they were soon dissuaded. A petition, supported by Huntly and clamorously presented by a "great number of neighbours", demanded that the assembly be ignored. To send a commissioner, it was urged, would force them to choose between a King, to whom they had every reason to be grateful, and the other burghs, with whom they had to live. The Council resolved to stay away from the assembly unless they were specially summoned to it by the King, as they probably had been for the later assemblies of James VI. There is no hint that the kirk session played any part in the argument (86).

But neither Aberdeen nor Glasgow was typical. In most burghs there was no conflict and the consent of the

(85) BR, Glasgow, 1573-1662, pp. 394-5.

(86) BR, Aberdeen, 1625-42, pp. 141-3.

session was important only for the precedent it created. Thus the burgh of Stirling had joined the supplicants with some alacrity a year earlier. The presence of the session at the election, which is recorded in the Town Council Minutes, must have seemed natural enough and it certainly did not affect the result. The chosen commissioner was Thomas Bruce of Welden, Provost of Stirling, and this was also typical enough (87).

Fifty-five royal burghs would send a commissioner to all or some of the Parliaments of the period and forty-four of these appeared in the roll of the assembly, as did Stranraer which was not represented in Parliament. Of the remaining twelve, only three - Arbroath, which probably withdrew before the roll was made up; Elgin, where the bishop was still a powerful force; and Aberdeen itself - would regularly appear in subsequent assemblies and the remainder were too insignificant to count (88). The burgh elections were a triumph for the Tables.

There were thus forty-six burgh commissioners, two from Edinburgh and one from each of the rest. Sixteen of them had already sat in a previous Parliament; twenty-eight, including many of the sixteen, would be elected to the next Parliament of 1639. In all, thirty-six of the forty-six attended one or more of the Parliaments of the

(87) BR, Stirling, 1519-1666, pp. 177, 181.

(88) Peterkin, loc. cit.; Gordon, II, 5.

period. Again at least thirty-two either had been, were, or would be magistrates of their burghs, while at least seven more were town clerks. Only four members - for Jedburgh, North Berwick, Inverkeithing and Wigtown - did not fall into one or other of these categories, and it seems quite probable that two of these are cases of mistaken identity, and that Wariston entered the wrong christian name in the roll. However this may be, it is obvious that the burgh members were, in almost every case, prominent members of their local burgh oligarchies. They were ecclesiastical persons only in the rather nominal sense that their kirk sessions had consented to their election. Two examples may perhaps serve to make the point. Gideon Jack, who represented the small burgh of Lanark, had been elected to Parliament for the first time in 1621 and he attended every Parliament from 1628 to 1649 with the exception of those of 1640 and 1641 - when he must have surely been seriously ill. He also regularly sat in the Convention of Royal Burghs as well as at least four of the assemblies from 1638 to 1646. He was Bailie of Lanark in 1629 and 1639 - and probably much more often than this. Mr. Robert Cunningham, Bailie of Kinghorn, did even better; he contrived to sit in nearly all the Parliaments from 1612 to 1661, as well as several assemblies. These were local worthies of modest affluence and modest horizons; but some of the others were national

figures. Mr. Robert Barclay, Bailie of the small port of Irvine, not only represented his burgh in Parliament, Convention and Assembly, but was also a regular member of the Committee of Estates and of commissions appointed to deal with the English, notably in the negotiations concerning the Solemn League and Covenant (89).

If the origins of the typical burgh commissioner are reasonably clear, those of the ruling elders are almost too obvious. Forty-nine elders remained in the assembly after Hamilton had left it and all of them were landed proprietors of one kind or another. Seventeen of these were noblemen and one of the others was the brother, and probably the representative, of the Earl of Sutherland, while twenty of the remaining thirty-one had been or would be members of Parliament. To look at the same question from another angle, at least thirty-eight had a baronial or a regality jurisdiction. Only five, a mere tenth of the whole, cannot definitely be placed in one of these two categories (90). One or two of these may have

(89) Peterkin, loc. cit.; Biographical information has largely been drawn from the History of Parliament. I am most grateful to Mr. John Imrie, Keeper of the Records of Scotland, and Professor Gordon Donaldson for allowing me to see this invaluable volume, before publication.

(90) Ibid; Retours, passim.

been feuars, but it is sufficiently clear that the ruling elder was essentially the "baron" envisaged in the Dundee Act of 1598. He was the voice of the heritable jurisdictions.

But the laymen in the assembly were exceeded, at least in a narrowly numerical sense, by its clerical members and these had emerged from a totally different setting. The origins of eighty-six, out of the total of one hundred and forty-one ministers remaining in the assembly, are known. The largest single group, of thirty-four, were the sons of earlier ministers, while two others were the sons of notaries. Seventeen - about a fifth of the whole - came from a burgh background, while thirty - rather less than a third of the whole - came from landed families. The remaining two were the sons of tenant farmers. A full analysis of the origins of the ministry must await separate treatment in a later chapter; but the bare statistics are misleading in some respects and they can hardly be left as they stand. It is not unreasonable to assume that most of the unknown ministers were of relatively humble origin; many of them were quite probably the sons of farmers fortunate enough to have been born into a parish with a school. Again, the sons of proprietors consisted predominantly of younger sons with no reasonable expectation of a landed inheritance at the time they entered the ministry; only one is definitely known to have been the heir of his father's

estate, though two others seem eventually to have inherited (91). Similarly the ministers of burgh origin did not, for the most part, emerge from the upper reaches of the burgh oligarchies; they were usually the sons of craftsmen or of small merchants.

It is not difficult to find apparent exceptions. Patrick Hamilton, minister of Innerwick, was a son - but only a natural son - of the Earl of Haddington. The great Robert Douglas, who would follow Alexander Henderson as the undoubted leader of his church, was distantly related to the Earls of Morton and occasionally - in his few lighter moments - claimed descent from Mary; but his father may well have held no land at all. Henderson himself descended from a cadet branch of the family of Fordel, but his father was possibly a farmer, and at best a feuar. David Dickson was the son of a wealthy Glasgow merchant and inherited a small estate from him; but Samuel Rutherford came from farming stock (92). The ministers were drawn from a much broader social range than were the ruling elders or the burgh commissioners; but it is evident that very few of them came from the feudal classes. They were almost innocent of inherited wealth

(91) Fasti; passim. See also Ch. V.

(92) Ibid.

and totally innocent of heritable jurisdiction. Two kingdoms, not entirely unlike those envisaged by Melville, met in the Glasgow Assembly and, at least to the casual observer, it seemed that they met as one.

But it would be misleading to present the ministers of the assembly as a gathering of radical zealots. One hundred and fifteen of them would still be alive in 1648; of these, nineteen would support the Engagement, while five more would have been involved with Montrose or Huntly; one in five would eventually strike a conservative attitude compared with about one out of every nine of the ministry as a whole as it would be in 1648. The statistical pitfalls built in to these calculations are reasonably obvious, but the conclusion is confirmed by the scarcity - only five out of a possible ninety-two - of future Protesters and by the high proportion - twenty-eight out of forty-one survivors - who would conform at the Restoration. Indeed one of the ministers, who abjured episcopacy in the Glasgow Assembly, became a bishop at the Restoration (93).

It is arguable that the Glasgow Assembly, for all its occasional riotous informality, was organised as efficiently as its carefully managed successor of the following August. But, if this is so, there is little

(93) Ibid.

evidence that its managers were especially radical. The two major policy-making committees were the Moderator's Assessors, who controlled the agenda, and the Committee for the Confession of Faith. Their clerical members included pre-eminently Alexander Henderson, who would probably have looked kindly on the Engagement had he lived, David Dickson, a friend of Wariston who would eventually turn out to be a Resolutioner, and Henry Rollock, who had once angled for a bishopric and was now moving just as enthusiastically in the opposite direction. All three served on both committees; though one suspects that the last was only there because he was the more pliable of the two surviving ministers of Edinburgh. The other two conveniently epitomise the attitudes of the assembly as a whole. Henderson was a superb leader of men and a complete pragmatist who believed that his church could only prosper with the connivance of the mighty; Dickson, an early abolitionist, was more radical but no firebrand. It was inevitable that Henderson should have moderated the first assembly and Dickson the second. Some of the omissions are striking. Robert Baillie was not a member of either committee; neither were Andrew Ramsay, Rollock's colleague from Edinburgh, nor William Colville who, like Ramsay, would eventually join the Engagement. John Adamson, Principal of Edinburgh University, was an Assessor, but was left out of the second committee probably because he shared Baillie's well known

reservations about abjuration. This was probably not accidental; but it is fair to add that the two committees included only one extremist. Andrew Cant, an angry radical who would spend the period thanklessly preaching the Covenants in Aberdeen, probably deserves the title; but his presence on the second committee was balanced by the minister of Belhelvie, who would accept the Restoration as cheerfully as he now accepted the assembly. The guiding spirits among the ministry embraced several opinions; but their collective image is one of moderation driven by circumstances into a radicalism which was none the less determined for being feigned (94).

But the most striking feature of the two committees was the predominance of laymen serving on them. An assembly in which ministers outnumbered laymen in the proportion of about three to two naturally tended to elect committees with a clerical majority. But the Moderator's Assessors included four ministers, five nobles, three lairds and three burgh commissioners; while the Committee for the Confession, though showing a truer balance, consisted of ten ministers, including the Moderator, four nobles, to whom Argyll was added; three barons, three burgesses, and whether formally or not, the Clerk of the Assembly. The noblemen, who acted as assessors, were

(94) Peterkin, pp. 139, 151; BLJ, I, pp. 137, 147.

Roths, Loudon, Balmerino, Lindsay and Montrose. Roths was a moderate who would eventually fix his sights on an English Dowager with £4,000 - sterling - per year. He would die, tragically enough, just as he was bringing her to the point of acquiescence and we shall never know for certain that he would have been tempted by the Engagement. Loudoun, who would aim for the Treasury and become Chancellor instead, did not die, would be tempted and would finally be reclaimed. Balmerino, perhaps the most irreconcilable of the Lords of the Covenant, consistently opposed the Engagement; but Lindsay as consistently supported it. Montrose speaks for himself. Nobody could conceivably have described them as a group of radicals, though it may possibly be significant that Lindsay and Montrose were omitted from the Committee for the Confession. But the only two barons to serve on both committees were Stirling of Keir, a close confederate of Montrose, and Douglas of Cavers, who would survive the suspicion of complicity with Montrose and eventually oppose the Engagement. These calculations pre-suppose that the attitudes of the forties were already present in 1638 and this may be an oversimplification. There is every reason to suppose that nearly all the members of the Committee for the Confession were anxious, in the prevailing circumstances, to "remove" episcopacy. They were, understandably enough, divided on the question of "abjuration". Argyll and Loudon are both known to have had reservations about this, while only Dickson and

Wariston can be certainly shown to have believed in it (95). It may be supposed that the explosive Cant also approved and surmised that his colleague from the surprisingly radical presbytery of Deer agreed with him. The rest went with a tide that flowed powerfully enough to carry Argyll himself along with it.

The Glasgow Assembly had spectacularly summarised itself during its fourth session. The King's original consent to the assembly had rested on the assumption that the September Proposals would be accepted in their entirety. The protestation against them had released him from his obligation and he had retreated into his earlier claim that an assembly dominated by laymen was incompetent to try the bishops. Only Hamilton's insistance^e had dissuaded him from abandoning it before it had begun. Hamilton wanted to stay and the conservatives, clerical and lay, wanted him to stay; but Wariston, anxious as he was to demonstrate the church's independence of the Crown, was just as determined to get him out and the trial of the commissions gave him his chance.

Hamilton, who was not anxious to object at all, was content to reserve his right to object later and the session promised to be uneventful. The inevitable protestations against the commissions from Peebles and

(95) BLJ, I, p. 158; WD, p. 347.

Glasgow University barely disturbed the calm as Wariston droned his way interminably through the list. The eighty-second commission related the impeccable qualifications of the Provost of Forfar, and the assembly yawned its silent consent. But the eighty-third came from Brechin, which had made out two commissions, one naming Erskine of Dun and the other Lord Carnegie, as ruling elder of the presbytery. There was still no hint of drama as the Clerk innocently intoned Dun's credentials, though Carnegie may have flicked over the pages of a protestation. And then, with a superb sense of theatre, he turned over the commission and slowly read out the "back writ", which conferred the approbation of the Tables. Not content with this, he went on to a long list of forty signatures headed by the name of Montrose. It was a coincidence carefully contrived, an indiscretion so huge that it must surely have been calculated. We may imagine that Hamilton paused for a few brief seconds as he pondered the implications of a disclosure that he might personally have preferred to ignore. But he had just been presented with the evidence that the King's Commissioner could not possibly ignore. He may also have calculated that Carnegie's commission, which he wanted to support, was endangered. His hesitation, if indeed he hesitated at all, was momentary. He rose majestically from his throne and demanded a "double" of the commission, "back and fore". The Moderator, caught at a disadvantage,

implausibly protested that the offending passage was merely a "private thing" written by the "ingiver".

Roths, sensing that the game was up, intelligently suggested that the "ingiver" should withdraw his commission and thus everything in it; but Montrose, seeing his protégé in danger, hotly declared his determination to "avow the least jot that was in it". By now Hamilton was enjoying the growing confusion around him. If the "back writ" was intended to justify the commission, why should he not have a copy of it? Henderson, who was now totally at sea, desperately repeated that it was "accidental", whereupon Hamilton sarcastically pointed out that the accident had "forty hands to it". The Moderator hastily changed his tune and rather desperately said that both commissions should be withdrawn, but this only got him into a fresh tangle. Southesk, speaking from behind the throne, and believing with some reason that his son's commission was valid, "unreverently" roared out his wrath. Loudon, no more reverently, sprang to the Moderator's assistance and suddenly everyone was shouting at once. It was, as Wariston's official report testified, "like to have drawn to a great heat if the Commissioner had not prevented them by commanding them to silence" (96).

(96) Peterkin, p. 136; BLJ, I, p. 133; Edinburgh City Archives, City Muniments, V, 63-10 no. 2.

Wariston had presented the King's Commissioner with a paper triumph, which virtually compelled the Marquis of Hamilton into the course which he least desired to follow. The resulting eruption had discovered positive evidence of lay manipulation which left him no choice but to leave the assembly. It pointed to the dominance of conservative magnates who could only be persuaded into radical policies by stealth. It showed that the role of the ministers, who barely said a word throughout the performance, was as subsidiary on the floor of the assembly as it had been in the elections to it. It pointed to the conflict of interest between the Lords of the Council and the Lords of the Covenant. It opened up, if only momentarily, the breach between Montrose and the rest of the revolutionary leadership. Above all, it disclosed the fragility of the whole enterprise; anarchy was never far from the surface. The organisation of the Supplicants was still a box of tricks with Wariston pulling the strings.

But this, if true, was temporary. The penultimate speech of the assembly brought the Earl of Argyll, hitherto a doubting guest to its deliberations, firmly and permanently into its ranks. Soon afterwards he took the Covenant, perhaps in a form of his own devising, and immediately ascended a throne that had long seemed his by right (97). The Supplicants had acquired a leader

(97) Breadalbane MSS., no. 763.

who would lend dignity and wisdom to a cause which, however successful it had seemed to be, had often been singularly lacking in both. The fevered reign of Wariston was over.

Argyll had chosen his moment well. The descent from hostile peace to a strangely friendly war was marked by a wave of patriotic fervour engendered by the threat of an English invasion. Henderson, in a rather hastily completed tract on defensive resistance to Kings, captured the mood faithfully enough. "We would put a difference between the King resident in the kingdom, opening his ears to both parties and rightly informed, and the King far from us in another kingdom, hearing the one party and misinformed by our adversaries in the other - between the King as King proceeding lawfully according to the laws of the kingdom against rebels and the King as a man, coming down from the throne (at the foot whereof the humble supplications of the subjects do yet lie unanswered) and marching furiously against his loyal and well disposed people" (98). The antithesis between Correction and Humanitas, adapted though it was to the circumstances created by the Union of the Crowns, could scarcely have been more explicitly drawn. The contrast with Wariston's millenarian vision was dramatic indeed.

(98) Instructions for Defensive Arms, printed in Stevenson, II, pp. 686-95.

This was a patriotic, and thus inevitably a conservative position and it reflected a change in the balance of power. The regiments of the new army, a formidable and disciplined force, were commanded by the Lords of the Covenant, under the benign direction of an ageing professional with his eye on an earldom. The Pacification of Berwick was managed by Rothes and Henderson, acting as the agents of Argyll; neither protested very strongly when Charles banished Wariston from his tent. The skeleton of an agreement was reached easily enough with a King, who had carefully assumed the mantle of Divine Correction; there was indeed no irreconcilable difference between a King, who was listening to Hamilton rather than Laud, and a revolution led by Argyll rather than Wariston. Both sides, if only temporarily, had discarded their radical allies.

The conflict would renew itself during the following winter, when Charles again became "a King far from us in another kingdom" and the Parliament of 1640 duly reverted to the revolutionary defiance of the Glasgow Assembly. A private meeting, attended by Argyll and Montrose as well as Wariston, solemnly pondered the deposition of Kings; but it is evident that they would proceed to the actual deposition of King Charles only if he chose to invade his own kingdom and thus to violate the feudal contract which bound him to protect the religion and liberties

of his Scottish subjects (99). They were acting in the spirit of Henderson's declaration of the previous spring. It seems quite possible that the decision to launch a pre-emptive invasion of northern England was taken at this meeting and that one of the several motives behind it was a desire to save King Charles from deposing himself.

The legislation of the Parliament, taken as a whole, also bears a conservative interpretation. The act against leasing-making, essentially the sin of misinformation, is especially revealing. The absence of the King from his kingdom left him vulnerable to the evil advice of those, whether English or Scottish, who happened to be around him. According to theory, he had been the victim successively of Laud, the Scottish Bishops, some of the Scottish Courtiers and some of his Officers of State. It followed inescapably from this that his Scottish administration should be appointed by the King in Parliament rather than the King in person, who was not in a position to make an appropriate choice - and the next Parliament would proceed to do just this (100).

The Triennial Act, novel though it undoubtedly was, is also capable of a conservative interpretation. It can, it is true, be seen as an infringement of the royal

(99) The meeting was described in a letter, dated 20.4.41, from Wariston to Balmerino, printed in MC, I, p. 362.

(100) APS, V, p. 286.

prerogative but it was equally a reaction against a growing royal reluctance to hold Parliaments at all. It sought to restore the situation as it had been before the King had retreated to his other kingdom where no Scotsman could easily get at him; it sought to codify custom and to embody it in a written constitution (101). The decision to delegate the executive power of Parliament to a committee consisting of delegations from each of the three remaining Estates was similarly unprecedented; but its impact was to grant the substance of power to the tenants-in-chief, to those who made up the ranks of the Parliament itself. Nor was it originally intended as a permanent substitute for the Privy Council. Its powers were limited in duration and it would disappear, to be replaced by a modified Council appointed by the King in Parliament, as soon as peace was restored. The Committee of Estates was, at least in the first instance, a temporary expedient designed to meet the necessities of a sudden emergency (102).

The Parliament of 1640 also granted the civil sanction to the ecclesiastical settlement arrived at in the "pretended" Assembly at Glasgow and substantially repeated in the "legal" Assembly which had met after the Pacification. It also, as though to make assurance doubly sure, passed a rescissory act, specifically

(101) Ibid., p. 268.

(102) Ibid., p. 282.

repealing the Jacobean acts in favour of episcopacy; the field was left clear for the Golden Act of 1592 (103).

It is fair to add that the Golden Act had not abjured episcopacy and that Parliament and Assembly were acting on different sets of theoretical assumptions or, to put the same point in a different way, the concessions made by the conservatives in the assembly were half taken back in Parliament. The discrepancy can partly be explained by the swing of the pendulum away from Wariston and towards Argyll, but it also reflected the differences between the institutions themselves. Parliament was the last refuge of the feudal classes. Its members were either individual tenants-in-chief or the accredited representatives of corporate tenants-in-chief; it was a gathering of freeholders elected, insofar as they were elected at all, by other freeholders. The exclusion of the bishops and the officers of state obviously strengthened the magnates at the expense of the Crown; but it did nothing at all to effect the relationship between the magnates and their vassals. The violent years that separated the Riot in St. Giles from the Battle of Worcester would often threaten to tear Scottish society apart; but they would fail to produce even a hint of Parliamentary reform. The Scottish Parliament, which had

(103) Ibid., pp. 291-2, 298-9.

already survived the strains imposed by the differential effects of an unprecedented inflation, would go on to toss aside an upheaval no less unprecedented.

The same feudal magnates had delivered a powerful onslaught on the church and, as we have seen, they were not, despite the intervention of the Worker by Contraries, entirely unsuccessful. The ruling elder, at least in this early phase, was essentially a baron. The Erastianism of the Crown had been defeated and a different Erastianism had taken its place. The magnates had, at least for the time being, infiltrated the church and, if contemporary metaphor may be allowed, usurped the functions of the bishops. To this extent, the general assembly became more like a Parliament, but this is only half of the truth. The exact composition of the assembly was debatable and thus flexible. Its ruling elders were usually barons; but they might constitutionally have been feuars or lawyers. It might be dominated by its elders; but its largest and most articulate element was formed by ministers from the fourth estate. The church was intrinsically more radical than the state and the difference would widen with the passage of time.

But it is arguable that the real differences were vertical rather than horizontal; for the lower tiers of both structures were erected on different, and essentially non-baronial, foundations. The new system of taxation, originally devised as a voluntary contribution by the

Tables in the Spring of 1638 and formally imposed by act of the Parliament of 1640, was, as we have seen, based on a new valuation of land reflecting its economic output rather than its value in old extent (104). The tax was paid by every landowner by virtue not of his tenancy-in-chief but of his entitlement to its rents; indeed the distinction between superior and vassal was ignored and this was equally true of the local committees established by Parliament to supervise the process of assessment and collection. The system was founded on the same assumptions which had informed the Revocation of Charles I; it was based on landed wealth rather than landed status.

It is perhaps reasonable to assume that the nature of this novel tax was suggested by the teind surveys of 1627 and that its adoption was dictated by necessity rather than a conscious desire to remodel the structure of local government. It may well have been regarded quite simply as a more efficient means of raising revenue in an undeniably desperate situation. Similarly the decision to base the new system on the presbytery rather than the shire, may, as Dr. Stevenson has suggested, have been one of convenience, since many of the shires were too

(104) Ibid., pp. 311-3; D. Stevenson, The Financing of the Cause of the Covenants. SHR, LI, pt. II, pp. 89-95.

large for easy administration (105). Again some of the sheriffs were hostile and difficult to dislodge. But the Tables had already brought church and state together. In the elections to the Glasgow Assembly, the two regional organisations, the one civil the other ecclesiastical, had merged. An act of the same assembly had admitted the ruling elder - who was often a heritor - to the ordinary meetings of the presbytery (106). Again ministers, at the behest of presbyteries thus constituted, regularly exhorted their congregations to lend money, to pay taxes, and indeed to perform an endless list of purely civil functions. At the local and regional level, the line between church and state was not easily drawn. The central executive, which had been established by the feudal Parliament of 1640, was balanced, perhaps a trifle precariously, on the apex of a pyramid of subordinate cells which were not only new in themselves but of a different character. The base and the apex were able to live together in the same society because the "baron", unless he was a Lord of Election, had usually inherited an estate which had survived the inflation of the previous century more or less intact. He was still a feudal magnate as his ancestors had been; but he was also a

(105) Stevenson, op. cit., p. 92.

(106) Peterkin, p. 46.

modern landowner running his estate as a commercial enterprise. It was a situation which the King should have understood.

Whether or not he understood this, Charles chose to come to terms with his tenants-in-chief and to ignore the turmoil beneath them. In the Parliament of 1641, he swallowed the whole of the legislation passed by its insurrectionary predecessor (107). He also accepted, again without serious argument, the principle that the executive would be appointed by the King in Parliament rather than the King in person and the inevitable corollary that it would be dominated by the magnates (108). The office of Chancellor had previously been held by one bishop, while that of Treasurer had been earmarked for another. Now it was agreed that both vacancies should be filled by noblemen. King Charles, forcibly removed from the Laudian temptation, became the kind of King that Hamilton had wanted during the summer of 1638 and his difficulties began to melt away, or at least to change their shape for the better. Peace, once certain, brought back the appearance of normality. The feud between Argyll and Montrose, which had lurked in the shadows for so long, developed into a full-scale faction fight between

(107) APS, V, p. 335.

(108) Ibid., p. 340-1.

the nobles of the Campbell-Hamilton connection and their rivals led, if only from the rear, by the Duke of Lennox. Charles, in a manner which his father would surely have approved, strove, not entirely unsuccessfully, to hold the balance between them. The conflict, complicated by a constitutional argument between the nobles and the two lower Estates and violently interrupted by the Incident, occupied almost the whole of an unusually long Parliament. The outcome might be described as a qualified victory for Argyll and Hamilton. The office of Chancellor went to Loudon, who had wanted the Treasury; while the Treasury itself was temporarily placed in a commission of four nobles of the connection; but the price of the Duke's consent was as high as it was significant. He insisted that the third vacant office of Clerk Register should go to his protégé, Gibson of Durie, rather than to Wariston, who would dearly have liked it and who was expected to get it (109). It is not without interest that Argyll, once forced to compromise, should have done so at the expense of the zealots. Scotland, on the surface at least, was no longer groping for the millenium.

The Parliament of 1641, though obsessed with its own internal power struggles, also sought, at least half

(109) BLJ, I, p. 396.

consciously, to define its attitude to the church. Many of its members were ruling elders in the assembly which met, if only to adjourn, at St. Andrews on the 20th of July, and it was arranged, on an initiative from the Estates, that it should remove itself to Edinburgh to allow them to attend both bodies. The ministers seem to have agreed willingly enough to a device which was obviously intended to facilitate the management of the assembly by lay politicians (110). But Parliament had already rejected its opposite. A petition from the church, conveyed by Wariston, asked that "some ministers, commissioners from the general assembly", should be allowed to attend Parliament "for hearing". This was transparent enough and it was immediately denounced by Argyll "with storm" as "making way for churchmen's voices in Parliament" and no more was heard of it (111). A later confrontation was even more revealing. The Estates, preoccupied as always with the quarrel between Argyll and Montrose, saw fit to ask the assembly whether a band like that of Cumbernauld was a "divisive motion" in breach of the Covenant. The assembly duly delivered a rather evasive opinion and thus renewed its claim, first asserted in the Glasgow Assembly, to be the sole arbiter of the Covenants. But, for the time being, peace was in

(110) Ibid., p. 360; APS, V, p. 317.

(111) BLJ, I. p. 378.

prospect and the Covenant itself was receding into the shadows. They went on to offer mediation in the dispute itself and this offer was turned aside. They sought to penetrate the inner mysteries of a feudal faction fight and they were rebuffed with the careful courtesy that conceals contempt (112). The Parliament of 1592 had refrained from repealing the statutes of 1584, which had implied the supremacy of the King in Parliament over the church and the Parliament of 1641 settled itself firmly in this tradition.

But, if this was so, the church was quick to establish, or perhaps to re-establish, a rather different relationship with the King in person. On the morning after his arrival at Holyrood, Charles heard Henderson preach in the Abbey kirk; perhaps weary from a long and hurried journey, he missed the afternoon sermon, "whereof being advertised by Mr. Alexander, he promised not to do so again" (113). His English attendants were flabbergasted at a scene which could have happened only in Scotland; but Charles, perhaps reflecting that Henderson was more courteous than Melville once had been, accepted the rebuke with a good grace. Holyrood had resumed its severely Scottish countenance: "one may hear two sermons

(112) Ibid., p. 375.

(113) Ibid., p. 385.

the Sunday at Court and . . . extempore prayers in the King's presence". Henderson was always "at the King's chair in the same manner .. (as) the Bishop of Canterbury (used to) attend" (114). The Church of the Covenant had found its archbishop, but the revenues of the Chapel Royal bound him to the King in Parliament rather than the "King far from us in another kingdom". Divine Correction was supreme.

(114) Nicholas Papers, I, p. 24.

CHAPTER THREEA CLERICAL CHURCH

Samuel Rutherford, the theorist of the radical presbyterians, would later, in a deathbed repentance, attribute the defeat of his cause to its obsession with power; it had sought to set up a "state opposite to a state" (1). The warning, uttered by Argyll in the closing session of the Glasgow Assembly, had been ignored; at the Restoration, as it had done in 1637, the rest of Scottish society would rise up to dismiss the arrogant claims of an omniocompetent church. And yet theocracy, or at least the threat of something very like it, was built in to the Scottish predicament. The ancient feudal structure, in which the centre had so often been too weak to control the periphery, was confronted by a virile church with a new and more coherent organisation at its disposal. John the Commonweill might well have settled for a theocracy - and possibly have regretted it afterwards. The church, whatever its shape and however innocent its intentions, had always been tempted, sometimes almost in spite of itself, to expand into the vacuum left by the weakness of the Crown. But Rutherford and his friends, like the Canterburians before them, were aiming higher than this. They consciously sought to dominate the state, less indeed by supplanting it than by reducing it to a

(1) Testimony left by Samuel Rutherford (Ed. 1726), p. 6-7

narrowly executive function. The ideology of the new society, its morality and the general outlines of its policy would be determined by the church; the state, purged into passive acquiescence, would survive only to translate theory into practice.

It followed inescapably from this that the church must remain entire. Fragmentation, whether schismatic or sectarian, would reduce it to impotence. Thus far at least, the church had successfully resisted the English heresy of Brownism, but the seeds of separatism had been sown long ago. Quite apart from the unending argument about episcopacy, now temporarily resolved, there was the fundamental conflict between the conservative constitutionalist and the millenarian zealot. The Melvillian minister lived uneasily with the Lord of Election - who had, as Rutherford lamented, "left Him a poor naked Christ, spoiling his servants of the tithes and the kirk rents" (2). Indeed the radical tradition itself was a partnership of incompatibles: the Second Book of Discipline had envisaged a monolithic church held together by an educated élite; the privy kirk had been a collection of revolutionary cells, each distinct in itself and without any formal link with its neighbour.

(2) Letters of Samuel Rutherford (Ed. A. A. Bonar, 1891), p. 56.

Rutherford's "harlot mother" was promiscuous indeed (3).

All these conflicting elements came together and duly exploded in the assembly held at Aberdeen in July 1640 (4) but they had been rumbling in the undergrowth for some years. Baillie, plausibly enough, traced the explosion back to the experiences of Scottish colonists in Ulster. Deprived of the services of their own ministers, they had been driven to establish conventicles of their own. In 1638 they began to drift back to a Scotland delivered from the Canterburians but still not securely in the hands of its deliverers. They landed in the south west, a region which was no stranger to the conventicle. Some of them came to Galloway, where a zealous bishop had used his authority to create a local Court of High Commission which, apart from silencing Samuel Rutherford, had stimulated a luxuriant growth of privy kirks (5). Others may have made for Kyle, the home of the Scottish Lollards,

(3) Cf. G. Donaldson, "The Emergence of Schism in Seventeenth Century Scotland" in Studies in Church History, vol. 9, Schism, Heresy and Religious Protest (Ed.

D. Baker), 1972. I am most grateful to Professor Donaldson for allowing me to see this article before publication. It has had an considerable influence on this chapter.

(4) BLJ, I, pp. 248-55; Wodrow MSS, Quarto, XXVI, no. 7.

(5) BH (Ed. 1677), pp. 30-1.

or to Cunningham, the breeding ground of the Stewarton sickness. From all these centres, the "privy meetings", as they had come to be called, spread into central Scotland. In Edinburgh, which had staged the first and most famous of the privy kirks, they were eagerly embraced by a population starved of organised religion by the extrusion of the Canterburian ministers. Now their more orthodox successors were faced with the difficult task of suppressing an abuse which they might previously have condoned. But the conventicle was not, if we are to believe the evidence of its opponents, confined to a capital, where religious radicals had always contrived to find an audience. It also appeared in the presbyteries of Stirling, which would stage the most violent conflict, Dunblane, Auchterarder and Perth. It is reasonable to assume that in Stirling at least the problem was genuinely serious; for here the movement found a leader in the laird of Leckie, a magnate of some substance who was no stranger to Ulster. He appears to have held privy meetings not only in his own parish of Gargunnock - which he incidentally represented as ruling elder in the presbytery (6) - but also in Stirling itself, where he collided with the magistrates, themselves ardent if orthodox supplicants, and Henry Guthrie,

(6) PR, Stirling, 11.7.39, 25.7.39.

a minister with an almost pathological hatred of sectarianism (7). But Leckie was, if Guthrie is to be believed, neither typical nor alone. The Aberdeen Assembly was to be scandalised by stories, which were probably exaggerated rather than invented, of "family exercises" growing into "frequent and nocturnal meetings" addressed in rotation by "base and unlearned persons" who expounded the Scriptures as the spirit moved them. It is evident that they bore some resemblance to English sects.

Guthrie had reported the matter to the Edinburgh Assembly of 1639; but the managers of the assembly had contrived to keep a plainly divisive issue in the background. It was however considered privately by the ministers left behind in the capital to lobby the ensuing Parliament. Guthrie was not there, but the conservative case was put by Henderson and Baillie in argument with Dickson and Robert Blair. It is interesting that this conference, apparently without great difficulty, reached a compromise which did not dismiss "privy meetings" out of hand. Instead it chose to condemn those aspects of the meetings which almost everybody found objectionable. They should not coincide with church services or family exercises; they should not be held at night; they should be exceptional rather than habitual; they should cater

(7) KSR, Stirling, 22.7.39, 12.8.39.

for small groups rather than huge multitudes; those attending them should be "of such quality that they need not be ashamed to meet together"; they should not divide the congregation against itself; they should not be schismatic; they should not obscure the division of function between the minister and his congregation (8). This agreement reflected the collective, rather than the united, wisdom of the revolutionary establishment. There is no reason to doubt that Henderson and Baillie, left to themselves, would simply have published the straightforward condemnation of conventicles which Guthrie wanted. But they could not afford to offend ministers like Rutherford, Dickson or Blair, who had been driven to operate outside the official church and who were understandably reluctant to condemn their own past. Besides the revolution might yet collapse and, if it did, conventicles would again become relatively respectable.

Henderson and Baillie were establishment figures; but Guthrie was not and he chose to thrust the issue before a general assembly which might otherwise have been content to write the compromise into the law of the church. He may have realised that the circumstances were unusually favourable. The conservative north, as it was bound to be in any assembly which met beyond the Tay, was more heavily represented than usual and it was

(8) Stevenson, III, pp. 889-92.

not reluctant to show its teeth; ministers and elders alike would respond to Guthrie's prompting eagerly enough. Even more important, the natural leaders of the church, absorbed as they were in preparations for the war, were absent. This was the only early assembly that was attended neither by Argyll nor Henderson. The lid, which had been clamped down so firmly on the assembly of 1639, could easily blow off, especially as the radical ministers, vocal if outnumbered, were there in some strength. It only needed Guthrie to light the fuse.

The tone of the debate was soon established. Guthrie opened the proceedings with a virulent attack on the spectacular orgies, with "men and womengreaping one another filthily" in the night, which were alleged to have occurred in the presbytery of Stirling. Dickson angrily retorted that Guthrie was slandering respectable people gathered together for the "exercise of religion and piety". Guthrie went on to parade his formidable array of witnesses with their terrible tales, often heavy with sexual innuendo, of huge field meetings in the countryside and of smaller meetings in Edinburgh, to which none were admitted but those who would "swear to keep quiet". A shocked assembly burst into a menacing - and obviously rehearsed - chant: "away with them; restrain them". As the mood became more and more hysterical, Baillie let drop a whisper of sanity so faint that the Clerk failed to record it: "the confused disorder of a

general assembly", he said, "was the spoiling of the only remedy for (this) and all other diseases". But Dickson chose not to hear; disorder and desperation drove him to an indiscretion that merely added fuel to the fire:

"brethren, I will tell you a secret; we have many friends in England who ... are not pleased with sundry things ... in our discipline and now, when we are labouring for an uniformity in England, we should be loath to give offence, as this course certainly will if you condemn this exercise". There was perhaps more sense in this than in the saying of it, for it only served to spice religious fanaticism with patriotic fervour. The chieftain of the Mackenzies, appearing in the unfamiliar guise of a ruling elder, hotly replied: "Mr. David, if we cannot have their peace ... we will not buy it so dear, but rather commit ourselves into the hands of God and the sword". The assembly howled out its joy and cheerfully voted Guthrie's accusations into a committee heavily biased in his favour.

The evidence was examined, and naturally believed, in an atmosphere of relative calm that was soon to be shattered once more. Rutherford, who had simmered in silence too long, suddenly intervened: "what Scripture does warrant, an Assembly may not discharge; but privy meetings for exercise of religion, Scripture warrants" - and he quoted chapter and verse. Seaforth, perceiving the dangers inherent in a theological debate between

Guthrie and Rutherford, hastily told him not to "bother" the assembly with his "logic syllogisms" and thus steered the debate into safer - and spicier - channels. At length, as a late northern night fell, the argument receded into a sub-committee of five ministers, including Guthrie, Baillie and Dickson, who were ordered to produce an act by the morning.

It is interesting that Baillie, who was obviously not a Brownist, and Dickson, who had left open the suspicion that he was, agreed on essentials. They believed that the assembly should, in one way or another, enact the compromise of 1639. But Guthrie, whose ideological views were not unlike Baillie's, dismissed this as an inadequate trifle. Limitations, as he had said before, would eventually be "introductive" of the "thing limited"; had not caveats brought in the bishops? His version sprang from an alternative approach. The sectaries disguised their conventicles as family exercises and he suggested that an earlier act on the subject passed in the previous assembly, should be repeated with the addition of a clause specifically confining such exercises to the members of a single family. Dickson, who was perhaps too tired to change his tactics, objected that this would forbid genuine religious discussion among neighbours and it seemed that the wrangling would go on. The solution, which emerged in the cool light of an early dawn, turned out to be almost fatuously simple. Baillie,

who was still awake, noticed that Guthrie's act was so badly drafted that it would not stop anything. It might be true that the Brownists had always called their meetings family exercises; but why should they not call them something else and go on holding them? He convinced Dickson that he could safely accept the act and then induced Guthrie to strengthen it with a few of the limitations - to which Dickson could scarcely object. The resulting act was a rather silly hotchpotch, but it served to keep the assembly quiet and that was all that Baillie really wanted. It was passed unanimously as soon as the assembly had re-convened. It was not perhaps unfitting that nobody should have taken much notice of it. The assembly did not order its publication which allowed the Clerk - Wariston's servitor - to ignore it entirely. There was perhaps a fairly general agreement that it would be superseded when the opportunity presented itself.

The Assembly of 1641 was a very different body from its predecessor. It was intended for St. Andrews and it met in Edinburgh; the north was less well represented. Henderson was its moderator and Argyll was one of his assessors. The agenda was carefully prepared beforehand; debate, at least on the Brownist issue, was ruthlessly restricted; the necessary acts glided through the assembly in a single afternoon and nobody, radical or conservative, presumed to vote against them. Broadly speaking, it was agreed to encourage genuine family

exercises, to forbid any form of meeting that might "breed error, scandal, schisms, neglect of duties and particular callings and such other evils as are the works not of the spirit but of the flesh", and to forbid any novation in doctrine, worship or government that had not first been examined and allowed in a general assembly (9). This was comprehensive enough, but it did not condemn privy meetings as such. It was very similar to the compromise of 1639 and it was achieved so effortlessly that it must have made the antics of 1640 seem almost unreal - as in a sense they were.

Rutherford's sectarian syllogism was uttered, probably in some exasperation, in defence of his own past and the friends that might still be useful in the future. It was more or less common ground that conventicles, however undesirable they might be in the abstract, were justifiable in times of persecution; this was a proposition which neither Henderson nor Baillie - and perhaps not even Guthrie himself - would entirely have rejected. But the privy kirk, as Rutherford knew, was an invaluable reservoir of revolutionary energy and it would have been absurd for him to have contrived its destruction. To him, as to Wariston, the revolution was a continuing process and the privy

(9) BLJ, I, pp. 369, 371.

kirks might still find their place in it. It was vital to preserve them, just as it was vital to control them. It is no accident that his celebrated syllogism was perpetrated at the very time when he was, as his letters show, preparing a treatise against such Brownish "conceits" as the "independency of single congregations, (and) a church of visible saints" (10). Rutherford was ambivalent on the issue, but he was neither a sectary nor, in any deliberate sense, was he contriving a schism. During the thirties he remained in the church until he was driven out of it; at the Restoration, as death and defeat drew near, his advice to his brethren was clear and unequivocal; they should not divide. Rutherford, like Melville before him, sought to use the privy kirks in the service of a clerical church.

The idea of a "state opposite to a state" had thrust itself into the closing debate of the Aberdeen Assembly when, to Baillie's dismay, the radicals had contrived to reopen the argument about conventicles. An innocent sounding overture, proposing the trial of suspected Brownists by the Commissioners recently appointed to attend the next Parliament, filtered its way anonymously through the Committee of the Bills onto the floor of the assembly. It later transpired that the

(10) Rutherford, Letters, pp. 611-2.

overture had been made by John MacClelland, a radical minister from Galloway who was known to have favoured privy meetings (11). It was, in its most obvious aspect, a rather transparent radical manceuvre to remove the operation of the act from the ordinary courts of the church and to place it in the hands of a central committee, consisting largely of establishment ministers with a vested interest in the pretence that the privy kirk did not exist. Guthrie saw this one coming and mustered his cohorts to defeat it; but the issue had another aspect and Guthrie may have realised this as well. For he also defeated the first attempt to invest this central committee with real power. It was an early, indeed a premature, attempt to create an executive for the church - for the state opposite to a state. This was the Commission of the General Assembly in embryo.

The first recorded Commission was established by the Assembly of 1641 to lobby the Parliament which met in the same year. It began its work as soon as the Assembly had ended and it went on as long as the Parliament continued. It was busy enough, sitting more than sixty times in just over three months, for the Parliament was greatly concerned with the patrimony of the church; but its powers were as limited as its purpose.

(11) BLJ, I, pp. 354-5.

It was essentially a pressure group rather than an executive. It usually respected the sensitivities of a feudal Parliament, which jealously guarded its own prerogative and the evident wishes of the ruling elders which were still an integral part of the structure of the church (12).

The Parliament of 1641 was not unduly concerned about this novel clerical body which continually badgered it about money and they were at best ordinarily generous in their response. Henderson successfully used his influence to gain the small bishopric of Orkney for the Town's College, though it was "spoiled by prior gifts", and the more generous revenues of St. Andrews archbishopric and Priory for the University there. Elsewhere Aberdeen got its bishopric, but Glasgow had to rest content with Galloway, since its own archbishopric was reserved for the Duke of Lennox as part of the price of his consent to the settlement as a whole. Most of the rest went to uses that Melville would have regarded as profane. A princely income of 4,000 merks from the Chapel Royal went to Henderson who was already getting £1,200 as one of the ministers of Edinburgh - and some of his comrades plainly regarded this as profane as well. The fate of the mighty abbacy of Arbroath, which Charles

(12) Wodrow MSS, Folio, LXV, No. 3.

had once earmarked for the bishopric of Brechin, was even more revealing. It was granted in liberam regalitatem as an endowment for a new earldom (13). On the 18th November 1641 a "contented King" left his feudal classes "content".

It is arguable that the architects of the settlement of 1641 expected their work to last, and yet its effective life would be short; in a year it would be dying; in a decade it would be almost dead. The flavour of it would linger on to the end of the century and beyond; but it was doomed to fail in its own day. This is not to assert that it was intrinsically unsound. It could reasonably have been maintained that power had been restored to its centre, which was in Edinburgh rather than in Whitehall, and to its appropriate level among a feudal caste that was showing a remarkable capacity to adjust itself to the underlying changes of the period. The new estate of the sub-vassal, or so it might have been argued, was gradually being absorbed - first by the King, then by the Tables and now by a Parliament which only sought to exclude it from the topmost levels of power - into the existing structure. It is true that Wariston and the devotees of the Privy Kirk might have rejected this, but the limitations of their power had

(13) RMS., IX, 1035, 1255.

just been painfully exposed. They could only prosper when King Charles reached for an English sword.

The eighth of the demands presented to the King by the Scottish Commissioners during the negotiations for the Large Treaty in 1640 and 1641, had attempted to place Scotland in the wider context of Britain as a whole, to resolve the difficult triangular relationship between the King and his two kingdoms. One group of proposals, which sought free trade and mutual naturalisation between Scotland and England, belonged to a more peaceful age and, though they were agreed with the King in the Engagement, little more was heard of them; but the rest belonged to their own time. It was asked first and foremost that the King and the Prince should reside periodically in Scotland, that they should keep a number of "Scottish men of respect" in constant attendance at Court and that they should employ only Protestants there. A further group of proposals stipulated that neither kingdom would make war on the other without the consent of its Parliament and that commissioners should be appointed "for conserving of the peace in the intervals betwixt Parliaments". Yet another demanded that neither kingdom should "engage in war with any foreign nation without the mutual consent of both" and that each should assist the other against "all foreign

invasion" (14). The Court would become a supra-national institution, composed of individuals from each of the two kingdoms, but itself belonging to neither of them. The King would rule each of his kingdoms separately through its own Parliament. Each would retain its own customs, its own laws and its own institutions; the two governments would each have a free hand in everything except foreign policy and defence.

These proposals, which were the essence of the Eighth Demand, can reasonably be regarded as a logical development from the internal programme of the Suppliants. But another, though also included in it, was more ambiguous. It sought "unity in religion and uniformity in church government as a special means for preserving of peace betwixt the two kingdoms". Taken literally, this was harmless enough. It merely expressed the opinion - almost a platitude in an age of religious wars - that diversity of religion was the enemy of peace. But it would become a stupid contradiction if its realisation became a condition of peace and it is perhaps significant that it was hastily dropped as soon as it met real opposition. In February 1641, the Scottish Commissioners, almost certainly to please the puritan zealots of St. Antholin's among whom they were quartered during their stay in London, allowed Henderson

(14) APS, V, pp. 340-1.

to compose a "little quick paper" proclaiming the constancy of their "zeal against episcopacy"; it was implied that the Scottish army would remain on the Tyne until the English bishops had fallen. St. Antholin's was "infinitely well pleased"; but elsewhere the reaction was terrible. The King, who had already agreed to abolish episcopacy in Scotland, was "enraged at it" and only with difficulty dissuaded from branding it as seditious. Almost everybody turned on the Scots: "many of whom we never doubted did join ... to malign us and, though they loved not the bishops, yet, for the honour of their nation, they would keep them up rather than we strangers should pull them down" (15). If the bishops had been in danger, the Scots had saved them for a while; the worker by contraries had gone into reverse. The demand for uniformity was immediately watered down. The Commissioners protested that it would be no less than "usurpation ... for one kingdom or church, were it never so mighty ... to give laws ... to another free and independent church and kingdom ... were it never so mean" and that they did not presume to dictate to England, "the greater kingdom". But, though they "loved not to play the bishop in another man's diocese", so they could not be "careless" in that which "concerned"

(15) BLJ, I, pp. 305-6.

both kingdoms (16). They went back to the literal meaning of the original demand, to the meaning which the conservatives had always attached to it. As the Earl of Lothian had written early in the previous November: "we hope and pray that they may get a reformation like ours ... but we come not to reform church nor state; we have no such vain thoughts" (17). But Wariston had been entertaining such thoughts for some time. He had had two separate meetings with members of the English opposition as early as the summer of 1638 and he had been careful to keep them quiet; Baillie, for example, had remained unaware of them (18). His confidant, David Dickson, had, however ill-advisedly, boasted of them in the Aberdeen Assembly (19). But Wariston and Dickson were both extremists and, in 1641, they still had little support. There were already two quite distinct attitudes towards the tortured issue of uniformity, just as there were two conflicting views of the nature of Scottish society.

(16) Arguments for the Commissioners of Scotland ... persuading Conformity of Church Government. B.M., Thomason Tracts, E 157 (2).

(17) Correspondence of the Earls of Ancrum, I, 105.

(18) WD, p. 351, 375.

(19) Wodrow, MSS, Quarto, XXVI, no. 7, ff. 104v-105r.

During the course of their negotiations, the Commissioners had described the Eighth Demand as the "chiefest of all (their) desires ... unto which all the former seven articles" - that is the whole of the internal Scottish settlement - were "as many preparatives" (20). They saw it as absolutely vital to the interests of Scotland; in a sense their difficulties had arisen from the imperfections of the Union of 1603 and the Eighth Demand was intended to rectify them. It would surely have occurred to a calculating Scotsman that the opportunity was unusually favourable. Scotland, traditionally divided, had just achieved at least the appearance of unity. England, so often united, was about to tear itself apart. It was natural that the Scots should offer their services in mediation and that the Eighth Demand, or as much of it as could be negotiated, should become the price of a settlement. It was no less natural that Hamilton, perhaps the only prominent politician with an interest in all three parties, should have initiated the policy; but it is interesting that he enjoyed the whole-hearted support of Argyll. The correspondence between them, covering the greater part of 1642, overflows with Argyll's approval: "I heartily wish you could light on the mid-way, that all matters may be brought to a happy conclusion for his Majesty's honour and

(20) APS, V, pp. 340-1.

contentment of his people which, joined, bring peace but, divided, we can expect little quiet". (21).

It is fair to say that Argyll was still favouring a policy of neutrality when the correspondence closed in October; but there had been a subtle change in the meantime. In May, the Banders - a coalition between some of the signatories of the Band of Cumbernauld and the nobles who had supported Charles during the Bishop's Wars - demanded that Scotland should support the King of Scots in his English quarrel. Their motives were mixed, but it is obvious that they were moved by jealousy of Argyll and Hamilton and perhaps more particularly by the rumours of a marriage alliance between them. This was a faction fight which seemed likely to fizzle out for lack of support; but it gave the kirk, which had slowly been receding into the background, its chance to recover. Argyll, who was easily alarmed, resolved to prepare a secure line of retreat. He went in an accommodating frame of mind to the Assembly which met at St. Andrews. He resolved to resume as far as he could his old understanding with the leading ministers, some of whom favoured an alliance with their brethren in England and thus with the Long Parliament. In a sense he was hoping to win them over

(21) Hardwick, State Papers, III, pp. 22-35.

to his own policy of mediation; but he knew that he must make concessions and his next letter to Hamilton, short, muddled and embarrassed as it was, clearly implied that he intended to make them: "I believe they (the ministers) are very honest men" (22). Some at least of the ministers intended to discuss patronage and the privy kirk and, though these were successfully buried in committee, Argyll was not able to prevent - and perhaps did not wish to prevent - the renewal of the Commission of the General Assembly.

The Commission was not, as we have seen, unprecedented; but it had previously been of "small use". It was now, Baillie rejoiced, likely to become a "constant judicatory and very profitable". Its powers were large; for it would exercise the executive, as distinct from the legislative, powers of the general assembly for the period allowed to it; it was indeed "of so high a strain that to some it was terrible already". Indeed its powers were as imposing as its purpose. It was given the task of furthering the "great work in the union of this island in religion and church government" (23). A committee of ministers and elders, with the imposing organisation of the church at its disposal, was given leave to meddle in the highest affairs of state. We may imagine that Samuel Rutherford allowed himself a smile.

(22) Ibid.

(23) BLJ, II, pp. 47-8.

The immediate impact of the Commission was small, since the church was still outwardly committed to the policy of mediation in England. But this was bound to be temporary. The church may or may not have been interested in the Eighth Demand as a whole, but it was essentially concerned about uniformity. It was making a demand which the Houses could at least undertake to satisfy and which the King could only refuse. It implied the creation of an alliance between the Scots and the Long Parliament and Hamilton was bound to react to it. In September, he persuaded the Conservators of the Peace to invite Henrietta Maria to reside in Scotland (24). At first glance it may seem odd that an undoubtedly Protestant country should have wanted a Queen who was known to have been a militant papist. It was presumably confident that powerful advisers, headed by Argyll and Hamilton, would keep her from the paths of temptation; but this was not the point, or at least the only point. Henrietta would shed part of her identity in the act of crossing the Border. She would become the Queen in Parliament and thus a substitute for the King in Parliament who was detained by the necessary affairs of his other kingdom. As the wife of the King, she would preserve the essential link with the Crown and thus with

(24) BH, pp. 250, 253-4, 257.

England; as the Queen in Parliament, she would be the ruler of an autonomous Scotland. Her adopted country would be able to steer its own course through the rocks of the English conflict; it could turn aside the King's commands without incurring the taint of treason and it could preserve its independence of Westminster because it need no longer fear the vengeance of a victorious king. It was an imaginative scheme conceived in accordance with the principles of 1641 and it was widely supported at the time; not only Argyll but Wariston, who was also mending his fences, lent his name to it. King Charles, perhaps suspecting blackmail, chose, perhaps unwisely, to decline it.

The news of the King's refusal reached Edinburgh at a time when his successes in the field were adding to Scottish fears. After Edgehill and the march on London, the consequent appeal from Westminster was bound to find a sympathetic audience. The danger would pass - and the ardour of the Houses as quickly cool - but its impact was profound. Argyll, spurned by the King and solicited by the Parliament, left Hamilton and attached himself - with a few silent reservations - to the church. Early in January 1643, Pym's agent in Edinburgh urged his master to act: "the coals now want only blowing from England and this kingdom will be soon on fire" (25).

(25) HMC, Hamilton Papers, (Supplement), p. 65.

Hamilton stuck to his original policy, though now with the support of the more amenable of the Banders rather than Argyll. He joined with Traquair to sponsor the Cross Petition, which adhered to the original interpretation of the Eighth Demand. After asking that the Demand as a whole should be "timeously prosecuted", the petitioners went on to say: "we cannot but heartily wish that this work of union, so happily begun, may be crowned and strengthened by the unity of church government ... but ... noways intending thereby to pass our bounds in ... setting ... limits to his Majesty and the two Houses". It was not, they said, their duty to "prescribe ... laws of reformation to our neighbour kingdom". Hamilton assented to the abstract notion that uniformity would be conducive to peace; but he dismissed as absurd the policy of buying it at the cost of an alliance with the King's English enemies. Union, he claimed: "could never truly be conceived to be intended to weaken the head whereby it is knit together" (26).

Argyll might well have agreed with this but the Commission did not. They told the Council, to whom the Cross Petition had been directed, that no supplication concerning "unity of religion or trenching upon the

Covenant" should be considered, "unless it came in the direct and ordinary way from the General Assembly or their commissioners" (27). Wariston's day was surely dawning and the Cavalier summer of 1643 completed his triumph. Three armies converged inexorably on London. The Borders were threatened by the Earl of Newcastle with an army largely officered by Roman Catholics. At York, where it was based, the Queen, who might have held her Court in Edinburgh, was intriguing with Antrim and a group of Scottish malcontents for a Highland rising backed by papists from Ulster. In July the younger Vane took ship for Leith with instructions to negotiate a "strict union and league of mutual defence" with the Scots; he was authorised to dangle an alluring half-promise of uniformity before them.

Both the Convention of Estates and the Assembly were in session when he arrived on the 7th August and both hastened to set up committees to negotiate with him. One man, who was shire commissioner for Midlothian as well as Clerk to the Assembly, was common to both committees. At about the same time, this same man also attended a series of private meetings convened to discuss the general strategy to be adopted. They were held in Henderson's chamber and those attending included, as

(27) RPCS, 1638-43, pp. 374-6.

well as the Moderator and the Clerk, the "prime nobles" and several others of whom Baillie was fortunately one. It was clearly a meeting of the Moderator's Assessors and it strongly suggests that the Assembly, rather than the Estates, was taking the initiative. It is possible that Argyll was present at these meetings; but Baillie, who admired him and always mentioned him when he said or did anything important, does not say that he was there; it is at least clear that he was not playing a leading role (28). However this may be, it is certain that he was on neither of the two committees and almost as certain that he did nothing of consequence, either in the Assembly or the Convention, from late July onwards (29). If the church seemed to be overtaking the state, Wariston was clearly supplanting Argyll as the leader of both.

The meeting must at least have agreed about one thing. Scotland was, apart from a small army already heavily engaged in Ulster, defenceless in an armed camp. It was inevitable that she should arm herself; but, "of the way, there was much difference of opinion". At first, "all were bent to go as redders and friends of both, without siding altogether with the Parliament". The policy of mediation from an attitude of neutrality

(28) BLJ, II, p. 90.

(29) APS, VI, pt. I, pp. 3-59.

was "made so plausible" that nearly everybody seemed likely to support it. Indeed it had many advantages. The interests of the northern kingdom, it may well have been argued, could best be served by keeping the English divided; total victory, whoever gained it, would confront Scotland with a united, armed and probably hostile England. The Eighth Demand, whether in its conservative or its radical form, would be lost. It may well have been added that Vane had been a long time coming; he was obviously reluctant to call for Scottish assistance and his promises should be viewed with suspicion. But Wariston "alone" showed "the vanity of that motion", and it is not difficult to guess at the points he must have made. The King, or so it seemed, was on the brink of victory; unless the Houses were quickly and effectively supported, he would win. Even if mediation was the ultimate purpose - and many in his audience plainly thought it was - it would still be best to support the weaker party. Besides, the Parliament would pay for the army; could the Scots pay for it themselves? It was a powerful appeal and the solitary Wariston, skilfully pointing his argument to the anxieties of the moment, carried the day (30).

The terms, and indeed the form, of the alliance had still to be decided. It was generally assumed that there

(30) BLJ, II, p. 90.

would be some reference to uniformity, but there agreement ceased. The attitude of the Houses was known to be ambiguous; some of its members were "for keeping a door open ... to Independency"; others, and this was perhaps the more important consideration, wanted an Erastian church, dependent in the last resort on Parliament. The Scottish Commissioners, on this as on other points, tended to want binding guarantees of one kind or another and Wariston - and we may surely assume that he was responsible - used this anxiety to carry the revolution one stage further. He boldly countered the English preference for a "civil league" - which could readily be repudiated if circumstances changed - by demanding a "religious Covenant" to be sworn by Englishman and Scotsman alike.

The wording of the new Covenant was a matter of some delicacy. There were probably three main versions, all differing from each other on points of substance. The original Scottish draft, which had probably been agreed between the committees from church and state, was essentially a bargaining position. The exact wording can only be inferred, but it almost certainly read substantially as follows: we swear to endeavour "... the preservation of the true Protestant reformed religion in the church of Scotland in doctrine, worship, discipline and government according to the Word of God; (and) the reformation of religion in the Church of England; (and to)

bring the Churches of God in both nations to the nearest conjunction and uniformity in religion, confession of faith, form of church government, directory of worship and catechising". The vital phrase was "according to the Word of God", which was placed in the clause relating to the Church of Scotland and not repeated anywhere else. Burnet, writing long after the event, stated that Vane insisted on "reforming according to the Word of God" and that he succeeded in inserting a phrase to this effect in the clause concerning the Church of England. The Scots offset this by adding "the example of the best reformed churches" to Vane's amendment (31). The Covenant was ratified in this, its second, version by the Convention and the Assembly on the 17th August and was promptly despatched to Westminster for the approval of the English Parliament, which debated it during the first two weeks of September. The Scottish Commissioners found themselves in a bargaining situation weakened by the relief of Gloucester and the impending end of the campaigning season. The Houses were safe for another winter and their resolution stiffened. They insisted on a further change which the Scots were powerless to resist; they struck out "according to the Word of God" from the clause relating to Scotland and left it in the

(31) BH, p. 307; BLJ, II, p. 90; APS, VI, pt. I, pp. 41-3.

clause concerning England (32). A phrase which had originally been included to reinforce Scottish certainties survived only to emphasise English doubts.

This at least is the obvious inference from a complex transaction, of which too little evidence has survived. But is it the whole of the truth? For what was the Word of God? In Scotland, it might have been argued, it was enshrined in the Second Book of Discipline and the legislation of the Melvillian assemblies of the previous century, now happily laid bare by the annulment of the acts of the intervening assemblies which had qualified it. This was the approach which the clerical delegates to the Westminster Assembly would follow. But was this the unequivocal voice of the Church of Scotland? It surely was not. For, although the Glasgow Assembly had borrowed the Melvillian theory of the church's independence from the Crown, it had conspicuously failed, indeed it had not tried, to establish the clerical church implicit in the Book of Discipline; in the Glasgow Assembly, the Word of God had abolished episcopacy in the interests of a church penetrated, at least at the upper levels, by the feudal classes. In England, the Word of God was even more debatable, trapped as it was in a multitude of tracts, as infallible as they were incompatible, so much so indeed that none of them could be taken seriously.

(32) CJ, III, pp. 224-5, 237, 241; LJ, VI, pp. 219-20; J. Lightfoot, Works, XIII, pp. 10, 14-5.

For the time being at least, the greater part of the political nation was committed to the relatively sober proposition that the church, whatever its exact form, would be subordinate to the Long Parliament. To the Houses, though not of course to the kirk, the Westminster Assembly was an entertaining sideshow into which the forces of religious controversy could be diverted until the war had been won. The meaningful forces involved in the debate were the English Parliament on the one hand and the two sets of Commissioners sent to London by the Assembly and the Convention on the other (33).

The Commissioners from the Convention were, of course, outwardly committed to the pursuit of uniformity; but their main business, like that of the similar committees set up in Edinburgh and with the Army, was civil and military. Their purpose was simply to participate in the Committee, later to be known as the Committee of Both Kingdoms, which would direct the armies, English and Scottish alike, in the interests of the two, still quite separate, Parliaments. As far as the Scots were concerned, this marked the partial achievement of an old aspiration, which was only incidentally concerned with uniformity of church government. The Eighth Demand had sought a supranational Court consisting of a fixed proportion of Englishmen and Scotsmen. The conference with

(33) L. Kaplan, "Presbyterians and Independents in 1643", EHR, LXXXIV, pp. 244-56.

Vane actually yielded a committee, similarly composed, which would eventually develop substantial executive power. It linked two autonomous and quite different countries in an alliance with a common policy towards defence and foreign policy. It is true that it did so imperfectly, since the Parliament was jealous of the power that might eventually accrue to it, and since the Scottish army, constantly preoccupied with the threats posed by Montrose, would often be reluctant to follow its instructions. But it was an executive nonetheless and it might, if intention had eventually blossomed into reality, have developed into the Court of a defeated, chastened and incidentally covenanted King.

The Commissioners from the Assembly had a different kind of union in view. They assumed a Melvillian church in Scotland, sought to secure its establishment in England and hoped that it would be reexported back to their own country. They might well tolerate the existence of one kind of Parliament in England and another in Scotland; they would probably accept a Covenanted King Charles as the titular monarch of both. Thus far the representatives of church and state were in harmony. But they assumed that all three would take the New Covenant as they chose to interpret it and thus that all three would accept a Melvillian relationship with the church. They were drawn on by the same vision that had blinded

Wariston in May 1638 - or at least some of them were.

The church, eventually established in England by act of the two Houses at the end of the first Civil War, bore little resemblance either to the feudal church of the Glasgow Assembly or to the Second Book of Discipline. Its outward appearance was rather consciously presbyterian and it included a hierarchy of courts which were very like kirk sessions, presbyteries and synods; but its general assembly could only meet when Parliament chose and there was no reason to suppose that it would meet very often. In any event, the right of appeal was not to the assembly, or indeed to any other ecclesiastical body, but to a committee of Parliament (34). The composition of this committee was no more reassuring to Scottish opinion than was the fact of its existence. It naturally included a few "real" Presbyterians as well as a number of "royal" Presbyterians - that is members who wanted to use the Scottish army to offset the mounting power of the New Model - but it also included the younger Vane, Oliver Cromwell and at least one Leveller in the infamous Henry Marten. It was a large committee

(34) Acts and Ordinances of the Interregnum, Ed.

C. H. Firth and R. S. Rait, 1911, I, pp. 749-54, 789-93, 852-5. Cf. J. H. Hexter, "The Problem of the Presbyterian Independents", reprinted in Reappraisals in History, 1961, pp. 163-84.

with a small quorum, which was plainly intended to reflect the balance of power in the Houses at any given moment; but one thing would never change; the church would always be subordinate to the state. The new church was neither Scottish nor presbyterian; it was a logical development from English Parliamentary Puritanism. Baillie, as always, had a phrase for it: it was a "lame erastian presbytery" (35).

This rather oddly constructed church was a terrible disappointment to the Scottish ministers, who had sat through the unending wrangling of the Assembly of Divines; they could accept it only because their army could no longer insist on anything better. Argyll, who personally delivered the consent of the Estates in June of 1646, may have had fewer reservations (36). The Eighth Demand, as it had originally been conceived by the Lords of an earlier Covenant, had rested on the assumption that the English Church was, in the last resort, the business of the King and his English Parliament. The latter had spoken and it was hoped that the former, who had just sought refuge in the Scottish army, would follow its example. Everyone was waiting for the King.

King James might well have contrived to come to terms with this new English church - perhaps by inserting

(35) BLJ, II, p. 362.

(36) LJ, VII, p. 392.

bishops into it later on; but Charles would have no evasions and his rejection of the propositions presented to him at Newcastle threw church and state alike into confusion. The Assembly of 1647 rather pointedly qualified the clause in the Confession of Faith dealing with the civil magistrate's power to convene assemblies. It was to apply only to kirks "not settled or constituted in point of government"; it would not apply to a firmly entrenched church, like the kirk itself, in which assemblies might also be called by the "intrinsic power received from Christ". It was implied that the young church of Puritan England, having outgrown its early weakness, was expected to develop in this direction (37).

The state, or at least a large party in it, no less ostentatiously, stuck to its original course. The agreement negotiated by the Engagers with the King in December 1647 stipulated that the existing Parliamentary Church should continue for an experimental period of three years - and it was plainly hoped that it would go on longer. But this, as the original Eighth Demand had said, was not really their business. The structure of the church in England would be settled, after yet another consultation with the divines of all respectable shades of opinion, by the Crown in Parliament. They were perhaps more

(37) Peterkin, p. 475.

interested in the rest of the Eighth Demand and here the King was more accommodating. Free trade and mutual naturalisation were granted in full. Scotsmen as well as Englishmen would be employed in negotiations with foreign powers. A third of the royal entourage would be Scottish "men of respect", while either the King or the Prince would reside in Scotland "as their occasions ... permit". The Eighth Demand was granted in its entirety. The Court, like the Committee of Both Kingdoms, would be neither English nor Scottish, but British (38).

The treaty gave the Engagers what they wanted rather than what they needed. They had told the King that he would be supported by a united Scotland if he would take the Covenant or undertake to enjoin it throughout his dominions (39). The Covenant, with its conveniently ambiguous definition of uniformity, would bring together the alliance of incompatibles which was seeking to restore the King. They could argue about its interpretation afterwards. The alliance which had originally sought to defeat the King would now, in the different climate created by the success of the New Model Army, reform itself to restore him. The prospect was destroyed

(38) S. R. Gardiner, Constitutional Documents of the Puritan Revolution, pp. 347-53

(39) BH, p.p. 411-3.

by the King's refusal and all that followed stemmed from this. Tormented by the kirk at home and anxious to reassure the various "presbyterian" groups in England, the Engagers despatched an ultimatum asserting that the Houses, under pressure from the Army, were in breach of Covenant (40). The purpose of the enterprise, it was implied, was to defeat and disband the sectarian New Model in the interests of a covenanted Parliament and an almost covenanted King.

The object of this deception was less to reconcile a church that became increasingly irreconcilable, than to conciliate Argyll and his friends among the magnates of Fife and the south west in the hope that they would use their influence to divide it. The Engagers inevitably failed to reform the whole of the alliance of 1644, but they stood a reasonable chance of anticipating the alignments of 1651.

But the conflicts of the spring and summer of 1648 were also, and perhaps essentially, the product of purely internal forces. The elections to the Assembly of 1647 seem to have yielded an unusually large number of future Engagers as ruling elders. They came to the assembly with the evident intention of dividing and ultimately of dominating it. The pretext was neither novel nor

(40) APS, VI, pt. II, pp. 40-3.

inappropriate. One James Simpson, a "forward pious young man" who was minister of Sprouston, had been courting a "religious damsel", who was sister-in-law to James Guthrie, the radical minister of the nearby parish of Lauder. They had held "private meetings and exercises", which had caused "great offence" to many. It was a familiar story, though this time the conservative forces found a more formidable leader in David Calderwood, who had been young when Melville was ageing and who was now pursuing sectaries with all the energy that he had once directed at the bishops. Calderwood and others - "honest men opposite to malignants" as Baillie called them - joined with the Engagers to sponsor William Colville as moderator. He stood against Robert Douglas, who had climbed effortlessly enough into the throne left vacant by the death of Henderson. The opposition was formidable indeed, but he, Colville, failed only by the minute margin of four votes; the Engagers were potentially a powerful force in church as well as state (41).

This settled, Douglas, whose tongue was as sharp as Henderson's, contrived to divert the main issue into a committee, which duly produced a further version of the usual compromise" ... whatsoever have been ... the fruits

(41) BLJ, III, pp. 19-20.

of meetings of ... divers families in times of corruption and trouble, in which case many things are commendable, which otherwise are not tolerable; yet, when God has blessed us with peace and purity of the gospel, such meetings ... are to be disapproved as tending ... to the rending ... of ... particular congregations and, in progress of time, of the whole kirk" (42). The necessities of revolutionary unity demanded the discouragement - the word used was mild enough - of conventicles; but the demands of the revolutionary legend were only less insistent and the privy kirk could never be entirely suppressed. And might not the attempt to suppress be as divisive as the privy kirk itself? The radicals were less numerous than their conservative brethren; but their pulpits were influential and they were solidly entrenched in the revolutionary establishment. In a speech delivered to the Assembly of 1647, Baillie condemned Calderwood, though not actually by name, as a "cursed soul" whose memory would "stink to all generations" if he succeeded in dividing the kirk (43).

In any event, the course of the opposition to the Engagement provided the privy kirk with a new role. The church revealed itself as a powerful instrument of

(42) Peterkin, pp 472-3.

(43) BLJ, III, pp. 13-14.

policy capable, under the direction of the Commission of the General Assembly, of effective concerted action. But the church, united though it almost was, failed in the end. The levy was delayed, but not prevented, and the church was left to lament its weakness. The Engagement, it had said, was sinful and must be opposed. But how could a church, which could not legitimately use the power of the sword, oppose an army? Respectable opinion agreed that it could not. But could Robert Baillie, or even Calderwood, entirely deny the radical remedy? The church could not fight, but the privy kirk could, as it had done in the past and would do again. The Mauchline rising, abortive though it would almost certainly be, was the logical sequel. In mid-June, some two thousand "slashing communicants" met on Mauchline Moor. They consisted of "yeomen" from Clydesdale, of deserters from all over the south-west, and of local farmers from Kyle and Cunningham. There were no magnates among them, but no less than 1,200 of them came on horseback. They were men of some substance, but they probably accepted the leadership of the seven ministers who were present and who had certainly organised the meeting. One of these was John Nevay, the most radical member of the Commission, and it is obvious that he was sponsoring a seventeenth century manifestation of the privy kirk (44).

(44) BLJ, III, pp. 48-9; Turner, Memoirs, (Bannatyne Club, 1828), pp. 55-7.

It is interesting that the local magnates had held an entirely separate meeting of their own at Riccarton two days previously. They seem to have discussed resistance; but, in contrast to the rival gathering at Mauchline, they certainly decided against it. Their reluctance was a reflection of the attitude of Argyll, who had met Eglinton and Cassilis during the course of a tour through Fife and the South West two weeks earlier and who had now retired to Inverary in the hope that the storm would pass him by. His attitude to the Engagement had indeed been ambiguous from the beginning. He had been represented by Loudoun in the initial negotiations with the King and, though he was in no way committed to the agreement reached, he was slow to reject it. His dilemma was real. He had to choose between his long friendship with Hamilton and all that this implied, and his alliance, cemented in the long years of war and revolution, with the leading ministers of the kirk. His decision to lead the parliamentary opposition to the Engagement was plainly a difficult one and it is obvious that he was not prepared to go any further. He firmly rejected armed resistance and persuaded his colleagues to follow his example. The behaviour of the two Campbell regiments is revealing. One turned north to watch the clans - and this was uncontroversial; the other carried the standard of the Marquis of Argyll southwards to Preston and defeat; it was decimated in the service of

the Engagers (45).

The defeat of Hamilton's army naturally transformed these attitudes. Argyll marched his remaining regiment back to Stirling, where the Castle was held by the Engagers. The privy kirk re-assembled itself in even greater numbers and made for the capital where it placed itself under the command of David Leslie and the minority of the Committee of Estates which had not supported the Engagement. The Commission of the Kirk re-activated the pulpits and it seemed that the revolutionary establishment was back in the saddle. But this was hardly true. General Munro, whose army from Ulster had formed the rearguard of Hamilton's forces, missed the battle and returned to Scotland with his regiments, all seasoned troops, intact. Moving swiftly, he avoided Edinburgh and made straight for Stirling, where he scattered the Campbells, relieved the Castle and secured his communications with the conservative north. Leslie, who clearly mistrusted his irregulars, hesitated to challenge him and offered negotiations. It is possible that the generals would have agreed among themselves; but the church, and perhaps Argyll, wanted a victory which it lacked the resources to win. In the meantime,

(45) BM, Thomason Tracts, E461/9. Includes lists of prisoners taken during the Preston Campaign; BLJ, III, pp. 48-9.

Cromwell had followed Munro to the Border, where he paused to assess the balance of forces. He was pressed from London to ignore them, apparently on the assumption that they would cancel each other out, leaving the English to settle their own internal arguments free of further Scottish intervention. But this course, rational though it may have seemed from a distance, was rejected by the man on the spot. Cromwell perceived that the Engagers had the strength to retrieve Scotland - and thus possibly to invade England again - whenever they wished (46). He stayed where he was and let fall the broadest of hints that he would respond to an invitation. As soon as he got it, he hastened to Edinburgh and remained there until the Engagers had surrendered. He then installed the remnant of the Committee of Estates as a provisional government on the tacit understanding that it would finish the Engagers once and for all.

The new puppet government was anxious enough to do his bidding. Argyll was no longer the masterful figure of 1641. He had lost none of his political skill, but the aura of invincibility, which once had gathered around him, had been dispelled by Montrose; while the Engagers, despite their anxiety to conciliate him, had finally

(46) W. C. Abbott, Writings and Speeches of Oliver Cromwell, I, p. 678.

exposed his impotence. The Act of Classes, by excluding the Engagers from political life, left him, if only by default, with the monopoly of power, which he had almost achieved from his own resources a decade earlier. He introduced the act with a bitter hatred that surely sprang from a knowledge of his own weakness. It would, he snarled, "break the malignants teeth"; he left Wariston to break their jaws (47).

Wariston and his friends among the ministers must have seen the act rather differently. Argyll was seeking to increase the power of his faction in a feudal state that was plainly in decline; the ministers could rejoice in the decline for its own sake. In its most obvious aspect, the Act of Classes merely excluded the Engagers from a whole series of national and local offices which would henceforth be held by their opponents. The act, perhaps reflecting the embarrassment of those who made it, was so badly drafted that its broader meaning remains doubtful; but one clause made provision for persons excluded from "their heritable offices"; while the list of offices included "sheriff courts" and "bailies of regalities" (48). It is possible that the ministers who whispered into the Clerk's left ear were preparing an assault on heritable jurisdiction as such; it is certain that they damaged

(47) Balfour, III, pp. 377-8.

(48) APS, VI, pt. II, pp. 47-8.

the system by demoralising a high proportion of those who operated it. As the state declined, the church could only prosper. The Engagers were to be excluded for a term varying with the gravity of their offence; but this would not be the end of their ordeal. They would then have to satisfy not only the state but the church as well of the "change of their malignant principles". The church was given a veto over political appointments. Nearly three months later, the Chancellor of the ancient kingdom of Scotland did penance in St. Giles for his sins, long recanted and surely expiated, in the negotiation of the Engagement. It was a symbolic act. A Parliament that had been called to please a foreign general lingered on to become the hangman of the kirk (49).

The same Parliament had just passed a "most strange act" abolishing the patronage of kirks which had, as Balfour asserted with the licensed over-simplification of the propagandist, "pertained to laymen since ever Christianity was planted in Scotland". The act did not pass without incident. The Earl of Buccleuch, the patron of seven kirks in the Borders, left the Parliament protesting that it was "derogatory of the just rights of the nobility and gentry of the kingdom". Argyll, who had more patronages than Buccleuch, gave a rather reluctant

(49) Balfour, III, p. 395.

assent, extorted, as Balfour believed, by the fear that the church would desert him if he refused (50). He may also have reflected that he was in little danger of losing his hold on the church as it had been reformed, perhaps a trifle idiosyncratically, in the frontier province of Argyll. It is fair to add that he had always been willing to compromise. In the assembly of 1642, he had offered to surrender the exercise of his rights of presentation on the understanding that the assembly would, in its turn, "oblige entrants to be content with modified stipends" - that they would make no further inroads into the teinds to which the patronage related (51).

The compromise had failed and the issue stayed buried in committee until 1649, when patronage was abolished on the condition, very deliberately stated, that the ownership of the teinds themselves would not be affected (52); while the assembly, or rather the radical ministers in it, explored the contrary proposition that the teinds belonged jure divino to the church. The assembly at once threatened to dissolve into a chaos which it had not known since 1640. Argyll claimed that the ministers already enjoyed a tenth of "all the rents of the

(50) Balfour, III, pp. 391-2.

(51) BLJ, II, pp. 47-8.

(52) APS, VI, pp. 261-2.

land", though they represented only a hundredth of the inhabitants; they were already wealthy enough; it was "not good to awake sleeping dogs". He does not seem to have added that Nasmyth, the minister principally concerned, was rocking the boat; though the Moderator, Robert Douglas, plainly thought he was. But Nasmyth refused to be overawed by words and it was left to "some lay elders that were barons" to settle the question by reaching for their swords. The demands of the church implied, as they had always implied, a radical revision of the ownership of church property; but this was not in prospect. The teinds were still secure, though their yield would soon diminish. The Parliament had recently renewed the commission for the augmentation of stipends. It would not, as we shall see, prove ungenerous (53).

The abolition of patronage was yet another symbolic act delineating the boundaries between church and state. It was a divisive issue in itself, but it re-activated another no less disruptive. Previously the complex process involved in the admission of a minister to his charge had begun with an agreement between the patron and the minister concerned. Now nobody had the initiative and everybody found a plausible argument. Most of the ministers, it would seem, believed that the "direction" belonged to the presbytery, the "election" to the

(53) Balfour, III, pp. 417-8; see below Chapter Four,

session and the "consent" to the people. But the consensus was challenged from both directions. Calderwood would have placed the whole process in the hands of the presbytery with the sole proviso that a majority of the congregation might later dissent. But Rutherford, with the privy kirk in mind, insisted that the right of election itself resided in "the body of the people". The resulting act, which bears traces of all these opinions, was complicated to the point of confusion. The initiative would be taken by the presbytery which also retained its powers of trial and ordination. It would direct a number of candidates to the elders for their approval; but the elders were entitled to add others of their own. The session would then meet, with a minister delegated from the presbytery in the chair, to hold the election. This done, the congregation would be invited to give its consent to the successful candidate. If it did so, the presbytery would then try and, if they found him qualified, admit him. If, on the other hand, the congregation objected, the presbytery was bound to listen to the objection, but entitled to deny it. If, however, a majority of the congregation offered an objection which the presbytery found reasonable, then the presbytery must stage a new election. The act was plainly intended to favour the presbytery - which was incidentally given the right to nominate a minister to a "malignant" congregation - but the radicals had bored their loopholes in it.

According to Baillie, who found the act untidy, the radicals hoped that "some busy man" in the presbytery would be able in collusion with "some leading person in the parish" to get votes in the election for "any young man" who might "by desire of the people to the presbytery" be "put on trials" and, assuming he was found qualified, inevitably elected. Baillie, in common with many ministers, mistrusted the "people"; they were, he felt, collectively gullible and open to the manipulation of "busy men", who would soon be called Protesters (54).

Popular election, or even meaningful popular consent, would, as Baillie feared, merely transfer power from a patron to a local bigwig, who might - or might not - be a minister. In the case of a parish of absentee landlords, he might well be a farmer; in an ecclesiastical temporality, he might be a feuar; in a parish dominated by its resident magnates, he might be a baron or even a nobleman. Balfour, here as elsewhere, is obscure; but it seems quite probable that Wariston contrived to persuade a feudal Parliament to abolish patronage with the argument that most of its members would gain by the transaction; barons were many, but patrons were few (55).

Wariston's attitude to feudal Scotland was, of course, ambiguous. He coveted the feudal office of Clerk Register

(54) BLJ, III, pp. 94-5; Rec, pp. 530-1.

(55) Balfour, III, pp. 391-2.

and finally achieved it through the operations of the Act of Classes which conveniently deprived his predecessor. One side of a fascinating personality was obsessed with the use of power in the existing order; but the other - the side which drove him on to lead a revolution - looked elsewhere. The vision, which he had shared with Dickson in the spring of 1638, was not of a feudal kind. In its most obvious sense it led directly to a clerical dictatorship which would rule society, through the existing political system and if necessary in spite of it, until the advent of the Millenium. It was a system that satisfied Dickson, but no system could contain Wariston for long. For him the achievement of one aim merely led to the search for another and it is arguable that he found it in the privy kirk. The worker by contraries, in his somewhat devious wisdom, had used Cromwell to found a clerical dictatorship and an obedient Parliament to serve it. Now, at the Battle of Dunbar, he was using the same instrument to knock them down again. His purposes were open to two quite different interpretations and it is interesting that Dickson, once radical and now doubtful, chose one; and that Wariston, the eternal radical, chose the other.

After the defeat at Dunbar, Leslie retreated, as the Engagers had done before him, to secure his communications with the north. Stirling became the forward outpost and Perth the capital of a reduced but very different kingdom.

The purely secular logic of the situation demanded that the state should repeal the Act of Classes, that the church should forgive the Engagers and that the King, already covenanted and soon to be formally enthroned, should unite them all and drive the invader from his kingdom. Humanitas had become covenanted Correction; church and state had recaptured the earlier forms of 1638 and 1641. The purpose of the expedition, which set out for England at the end of the following summer, was thus essentially defensive - to preserve religion and liberties. A Scottish King would be restored to his English throne by force of Scottish arms. Once there, he would no doubt interpret the subtle mysteries of the Solemn League on the advice of those who had put him there. But these would for the most part be the feudal magnates who had raised and led his army; they would not pursue uniformity to the point of absurdity. If this was a breach of Covenant, the breach would be the King's not theirs. Cromwell's army was there in Scotland; Laud and Wentworth were distant memories.

This was the course that Dickson, Blair, Baillie, Douglas and the vast majority of their fellow ministers eventually chose - most of them, it is possible to feel, with their eyes wide open. But Wariston, Rutherford and James Guthrie, in company with others more distinguished than numerous, chose the other way. Their motives, which were ideological rather than patriotic in origin, led them

to a conclusion which only the logic of revolution could sustain. The worker by contraries, who had once sent Cromwell to reward the faithful, now sent him again as a judgment on their utter faithlessness. The purge, far from being too severe, had not been severe enough. The cause could only be saved if its ruling élite pared itself down to its godliest essence. They had got rid of the Bishops, Montrose, Huntly and, above all, the Engagers, who had flattered the cause only to betray it the more thoroughly. The next step was as obvious as it was difficult. There only remained the Marquis of Argyll and his friends in the Parliament. The kirk must hang its own hangmen. The logic of the revolution drove it on to an assault on the feudal system as such.

The Western Remonstrance, wherein all this was implied, began with the assertion, valid enough, that the King was insincere and the assumption that the substance of power could not be granted to him until he had given convincing proof of his change of heart. It went on to say that the Parliament and its allies in the church had used the services of the Engagers to induce him to return to Scotland and that he had been allowed to come there with malignants in his entourage. The Commissioners who had gone to negotiate with Charles at Breda were the corrupt representatives of a corrupt society. The argument was developed into a sweeping attack on the oligarchy which had sponsored the Act of Classes; were they not as

self-seeking as the malignants they had excluded? Had they not "made (their) power, places and employments rather an matter of gain and interest to (themselves) than of seeking the good of the cause and the wealth of the people?" How few were there among them who would "empty themselves for the good of the cause". The remonstrants indignantly denied any intention to "follow the footsteps of a sectarian party and (to) change the fundamental government of the kingdom by King and Parliament or (to adopt) any levelling way, as we hear some would falsely calumniate (their) honest intention" (56); some of them may really have believed this, but nobody else did. If Argyll sank into the same swamp that had already swallowed up the Engagers, who was left to follow him? Would it be Wariston? Or Strachan, the brewer's boy from Musselburgh?

The Westland Army, which eventually gave birth to the Remonstrance, had, in the first instance, been raised through the committees of war of its constituent shires. Its origins were orthodox enough and it was supervised by a "great committee" not unlike those which had followed the earlier armies of the Covenants. This same committee, which was no doubt essentially a gathering of barons, meeting in Glasgow soon after Dunbar, ostentatiously rejected a document anticipating the Remonstrance prepared for it by Patrick Gillespie and "the ministers who sat

(56) RCGA, III, pp. 95-103.

apart in the Tolbooth and called themselves the presbytery of the Western Army" (57). But its principal commander was a man of a different stamp. Strachan was a sectary, who had served Cromwell in the cavalry of the New Model. He now refused to serve under Leslie and marched his army to Dumfries as far away from the Committee of Estates, the Commission of the General Assembly, the "great committee" - and incidentally Oliver Cromwell - as he could decently take it. This done, its officers, its "gentlemen" and its "presbytery" of ministers joined together to form a privy kirk which shattered the monolith of the Covenant beyond repair. They had one distinguished visitor from afar and his name was Wariston.

The Westland Army was more than a merely military instrument; like the New Model, it can reasonably be compared to a gathered church. Its members were drawn from countless communities scattered throughout a region which had long been famous for its conventicles and some of them were volunteers. They were in fact a privy kirk; but it is interesting that their ministers - who were still members of the official church - formed themselves into a "presbytery". This could merely have been habit, but they acted as a unified body and issued declarations as a collective body. They might have gone on to exercise discipline. It is arguable that they believed themselves

(57) BLJ, III, p. 122.

to be the only true church of Scotland and that the rest would join them in the end - as many of them might have done if their cause had prospered. The conventicles were a means to an end rather than an end in themselves. They were a channel guiding the stream of change through a church which, being the creation of fallible men, could never be perfect. Ideally they would perform this function within the church as they had done throughout the forties. But this was blatantly impossible in 1650. The body of the church, at once patriotic and conservative, sought to throw out the invader; but its revolutionary heart, pre-occupied as it was with social change, was willing to collaborate with a revolutionary invader on the understanding that he would eventually withdraw. They foresaw a revolutionary Scotland separate from, but in alliance with, a revolutionary England. The two concepts had always been incompatible; but now, with Cromwell within the gates, it was no longer possible to pretend they were not. Rutherford's separatist syllogism had been almost irrelevant when it was uttered; it found its relevance ten years later. But he could see no positive virtue in separation; he was neither a sectary nor a schismatic. In 1661, in the hour of defeat, he would, at one and the same time, exhort his scattered comrades in Perthshire to go on with their conventicles and beg his brethren in Aberdeen not to desert their church: "forsake not the

assemblies of the people of God; let us not divide" (58).

And yet the divisions had been there from the first. The elections to the Glasgow Assembly had quite explicitly envisaged a church which would, at least at the national level, be open to infiltration by lay politicians - so much so that it can almost be regarded as an erastian church. On the other hand, the radical ministers of 1650 were using "yeoman elders", whoever these may exactly have been, to win control of the western presbyteries from their conservative opponents (59). The intrusion of laymen into the church took two contrasting forms, the one aristocratic and the other the reverse. But it is arguable that the layman was gradually being eased out of the controlling machinery of the church. The schism of 1651 was essentially an argument between ministers and this was doubly true of the conflict as it developed during the Cromwellian interlude. There were three forces at work. The first, initially the most formidable, emerged from the Lords and Barons professing Christ Jesus. The second, less powerful nationally but always important in the south-west and in the City of Edinburgh, looked back to the privy kirk. The third, which became increasingly prominent and eventually predominant, found its origin

(58) Rutherford, Letters, pp. 706-9.

(59) BLJ, III, pp. 141-2.

in the Melvillian notion that the godly society could only be built on the dedicated labour of an élite consciously devoted to the pursuit of godliness. The church of the first Covenant was dominated by magnates great and small; the church of the second - Rutherford's state opposite to a state - was essentially a clerical body seeking to speak for their vassals.

This vast change in the character of the church was not obviously reflected in the shape of the general assembly which surmounted it. There was no significant alteration in its constitution between 1638 and 1649 beyond the obvious one that it contrived to operate without the King's Commissioner from 1644 onwards. The electoral process improvised by the Tables for the Glasgow Assembly was still operating a decade later. Each participating presbytery continued to be represented by a ruling elder - who incidentally ceased to be described as a baron; each participating burgh continued to send its commissioner; the ratio of ministers to laymen remained more or less constant and no deliberate attempt was made to change it. The assembly, which had been fashioned at Glasgow in 1638, continued to exist, at least to outward appearances, until Cromwell shattered it at Dunbar.

The assemblies of the late forties were thus rather similar in character to those of the late thirties; but there had been a change, small but not without interest,

in the quality of their ruling elders. The records of the assemblies do not survive in sufficient quantity to offer a comprehensive picture; there are complete rolls only for the assembly of 1638 and those from 1642 to 1646 (60). In the latter cases, the clerk was often, apparently quite capriciously, content to identify the elders with a christian name and a surname; it is sometimes impossible to be certain of their status. Presbytery records, where they have survived, are usually more useful and the generalisations which follow reflect the ruling elder as he was commissioned by twenty-five of the presbyteries, including several of the vital presbyteries of the south-west, the Lothians and Fife (61).

(60) Records of the General Assembly, 1642-46.

(61) Presbytery Records, Jedburgh, 1638-51; Haddington, 1638-50; Dalkeith, 1638-50; Linlithgow, 1638-51; Perth, 1638-51; Peebles, 1638-51; Stranraer, 1641-52; Ayr, 1638-51; Paisley, 1638-51; Glasgow, 1638-51; Dunoon, 1639-51; Cupar, 1646-51; Kirkcaldy, 1638-51; Dunfermline, 1646-51; Brechin, 1639-51; Garioch, 1639-51; Deer, 1649-51; Fordyce, 1640-51; Elgin, 1638-51; Dingwall, 1649-51; Biggar, 1644-51; Lanark, 1638-51; Strathbogie, 1638-51.

I am most grateful to Mr. Richard Dell, City Archivist of Glasgow, for lending me his photocopies of the Glasgow Presbytery Record.

If these presbyteries could be regarded as typical, over 90% of the elders present in the early assemblies of 1638 and 1639 were either noblemen, members of Parliament, or lairds with a baronial jurisdiction (62). The assembly of 1640, which was unusual in several respects, showed a dramatic reversal; only some 35% of the elders have definitely been shown to have been tenants-in-chief. This exceptionally low proportion can reasonably be attributed to the frenzied preliminaries to the second Bishops' War; Argyll and Montrose and all their more powerful followers were busily engaged elsewhere. A rather similar explanation could plainly be applied to the assembly of 1651, which was almost literally chased across the Tay by Cromwell; in this case only half the elders seem to have been drawn from the feudal classes. During the intervening years, the proportion was usually between two thirds and three quarters. It was considerably

(62) Proprietors with a baronial jurisdiction have, for the most part, been identified from the Retours or from the Register of the Great Seal. I am most grateful to Mr. John Imrie, Keeper of the Records of Scotland, and to Professor Gordon Donaldson for allowing me to use the galley proof and page proof copies of the unpublished History of Parliament; this invaluable volume has saved the writer a great deal of hard labour.

smaller than it had been in the late thirties, but it was still substantial nonetheless.

These broad totals conceal almost as much as they reveal. In the heartlands of the Covenant, the fall was less significant. In the four presbyteries of Fife and in the adjacent presbytery of Perth, all the ruling elders known to have been elected from 1638 to 1643 were tenants-in-chief and two thirds of them noblemen; the proportion of both remained very high up to and including the assembly of 1649. It is interesting that the radical areas of the south-west yielded a rather similar result. If the exceptional assembly of 1640 is disregarded, all the ruling elders known to have been sent up to the assembly from the presbyteries of Ayr, Irvine and Lanark from 1638 to 1651 were tenants-in-chief; and the proportion was almost as high in Stranraer. These figures confirm the impression left by the conspicuously separate meetings held at Riccarton and Mauchline in June 1648. The feudal classes maintained their hold on the official machinery of the church and extreme radicalism was forced to express itself through the conventicle. The presbyteries of Glasgow - which became a radical stronghold after a conservative beginning - and Dumbarton offer a complete contrast. They included the vast domain, enhanced in 1641 by the acquisition of the lands of the bishopric, of the absentee Duke of Lennox. The Duke, who became an orthodox Cavalier in relation to the English

conflict, remained ostentatiously neutral in his attitude to Scotland. He left his vassals to their own devices, and most of them became Covenanters of one kind or another (63). The leadership of local society fell to its ministers, its feuars and its tenant farmers. The latter often represented both presbyteries in the general assembly and they must surely have been among the yeoman elders who helped Patrick Gillespie to rule the presbytery of Glasgow in the radical interest (64). Here the privy kirk was superfluous.

Glasgow and Dumbarton were perhaps rather special cases. Elsewhere a rather different pattern emerged. In the Lothians, as in Fife, the ruling elder was, except in 1640, normally a magnate; Edinburgh was represented by Balmerino in every recorded year, except one; Haddington, which was well supplied, was shared between Yester, the two Lauderdale, the Earl of Angus, and the Laird of Clerkington; though a feuar was elected in 1640 and, more unusually, another in 1647. In the Borders, on the other hand, the enthusiasm of the magnates was less enduring. Jedburgh failed to find a baron from 1641 to 1647, after which the Earl of Lothian - previously a Commissioner for Dalkeith - was elected until 1650; while Peebles was

(63) J. Gordon, History of Scots Affairs, 1637-41, I, p. 62.

(64) BLJ, III, pp. 141-2.

represented by a baron in only half of the assemblies of the period; indeed in the more conservative areas, whether in the Borders or in the North, the indifference of the magnates tended to produce a pattern not unlike that which prevailed in Glasgow, though usually with less radical consequences. It is indeed clear that the Engagers as a group seldom attempted to control the assembly. The Earl of Lanark elected himself for Hamilton in 1645, 1646 and presumably 1647. Crawford - Lindsay - an original suppliant - appeared for Cupar during the same years, while the Lauderdalees, father and son, usually represented either Earlston or Haddington from 1642 to 1646. But these were exceptions. Only two prominent Engagers, Southesk and Lour, were elected to the crucial assembly of 1648, and neither took any part in its deliberations (65). If it is fair to assert that the magnates had, through their influence on the Tables, created the church of the period it would be equally true to claim that most of them lost interest in it. To a remarkable extent, the division in the feudal classes between the Engagers and their opposites was a division between those who continued to attend the assembly as elders and those who did not.

It is perhaps reasonable to ask whether the substance of power, as distinct from its shadow, really resided in a

(65) BLJ, III, p. 54.

general assembly which met only a few weeks in the year before sending the majority of its members back to their parishes. It may be granted that the assembly enjoyed the sole right to legislate for the church as a whole and that some of its acts were of the highest importance. But it had executive power only while it was actually in session. The power, which had once been wielded by thirteen bishops, was dispersed among some sixty presbyteries, each consisting of upwards of a dozen ministers all theoretically equal in status. The presbytery was of a convenient size to oversee the affairs of its constituent parishes; but, at least in the absence of a constant moderator, it did not lend itself to centralisation and the synod, like the assembly itself, met too seldom to supply the deficiency. Above all, there was no possible substitute for the informal gatherings of bishops, often occasioned by their presence in the capital on civil affairs, which had previously facilitated the unity of the church. The church of the Covenant was potentially as decentralised as the baronial society from which it sprang.

And yet the church of Alexander Henderson had always acted in unison. The Tables, skilfully using the fear of defeat, had imposed unity on church and state alike. The committee of ministers, set up by the assembly to lobby the Parliament of 1639, had assumed, or at least attempted to assume, a co-ordinating role. As we have seen, it successfully negotiated a compromise between radical

and conservative on the vital question of privy meetings; but it lacked the power to enforce the settlement which it had fashioned; while an attempt to equip its successor with judicial powers was angrily rejected by the conservative assembly of 1640. The Commission established by the assembly of 1641 was similarly impotent; it was merely the shy embryo of the monster it would subsequently become.

Robert Baillie, in his account of the assembly of 1642, remarked that the committees of earlier years had been "of small use", but he had no such doubts about the much more sweeping powers granted to the Commission of 1642; it was "like to become a constant judicatory and very profitable", though, he added prophetically, it was "of so high a strain that to some it (was) terrible already" (66). The outbreak of civil war in England presented the opportunity; from the beginning the prime objective of the commission was the pursuit of uniformity. To this end, it was empowered to meet when and where it chose and to make representations to any official body, English and Scottish alike. But even at this early stage, there was a hint of wider powers. It was authorised to strive for "the continuance of our own peace at home and of the common peace of these islands" as well as the

(66): BLJ, II, p. 54.

"keeping of a good correspondence betwixt (their) kirks".

It is arguable that judicial powers were implied rather than stated; but, if this was so, the assembly of 1643 hastened to supply the deficiency. It authorised the Commissioners to "enjoin" the subscription of the new Covenant "with all the censures of the kirk" and to "send their directions to sessions, presbyteries and synods for the execution of their orders thereanent". The powers of the Commission were limited to matters which could be construed as relating to the Covenant; but this was the loosest of constraints and it was finally removed by the assembly of 1648. The Commission was granted "full powers", to do "all and everything for the preservation of the established doctrine, discipline, worship and government of this kirk against all who shall endeavour to introduce anything contrary thereunto". Those who defied its authority were to be "holden as opposers of the authority of the general assembly" itself. The Commission had become an executive entitled to enforce its decisions by all "lawful means and ecclesiastic ways" (67). It did not hesitate to use its influence in elections to the general assembly (68). It was the vehicle of the state opposite to a state.

(67) Peterkin, pp. 330 (1642); pp. 359-60 (1643); p. 514 (1648).

(68) RCGA, III, pp. 445-6, 547-8, 551-2; BLJ, III, pp. 54, 134.

The opponents of the Commission complained that, unlike the ordinary courts of the church, it lacked the sanction of Parliament; the Engagers would undoubtedly have disbanded it if they had been successful. The Commission would presumably have replied that its powers were derivative. Its members took office only when a general assembly dispersed and they laid it down again as soon as it was re-convened. They were accountable for their conduct to the next assembly which was entitled to disown them and everything they had done. The Engagers might perhaps have been forgiven for regarding this as a rather fine distinction, since - or so they might have argued - the assembly and its commission tended to be dominated by the same people; the right to reject was there, but it was never used. The argument was intricate enough; but one point is clear. The role of the Commission can only be understood in terms of its membership.

A hurried glance might suggest that the Commission of the General Assembly was created in the image of the assembly itself. The ten commissions appointed between 1642 and 1651 varied in size from 73 members in 1642-3 to 158 in 1648-9 (69); but the ratio of ministers to elders remained remarkably constant at around 1.6 to 1 - and this

(69) Peterkin, pp. 330, 359-60, 399, 427-8, 477-8, 514, 549-50; RCGA, III, pp. 4-6, 449-502.

was broadly comparable with the ratio as it was in the assembly. The proportion of noblemen among the laymen tended to fall - from about two in five to rather less than one in five - but this again accurately reflected the trends apparent in the composition of the assembly. The assembly had originally been concerned to establish an executive which would reflect the structure of the church as it had been in the early forties and it never outwardly changed its mind. But appearances were deceptive. The average commission for the period 1646-7 to 1651-2 consisted of 93 ministers and 57 elders; but the quorum required was usually as low as 17, of whom 13 must be ministers (70). There was no minimum for elders and a meeting consisting of 17 ministers would have been legal. The possibility of a relatively small, and largely clerical, body was clearly envisaged - and perhaps intended.

Whatever the intentions may have been, the story told by the sederunts of the 536 meetings held by the 6 commissions appointed from 1646 to 1651 is transparently clear. The average total membership was as high as 151; the average actual attendance was between 28 and 29 - rather less than one fifth of the potential total. A typical meeting was attended by 22 ministers and 6 elders; a theoretical ratio of approximately 3 to 2 became an

(70) Ibid.

actual ratio of nearly 4 to 1 (71). In the vital commission of 1647-8, 33 of the 97 ministers, compared with as many as 48 of the 59 elders, attended less than one tenth of the meetings held; while 35 ministers - over a third of the total - compared with only 5 elders - about a twelfth of the whole - attended a third or more of the meetings. The Commission was, or at least became, an essentially clerical organisation. It may be added that none of the noblemen appointed attended more than one meeting in five and that only two - Angus and Balmerino - attended more than one in ten. The ministers were, as Burnet was later to say, growing "weary of such imperious masters" (72). (See Tables I and II).

TABLE I

Appointments to Commission

<u>Dates</u>	<u>Ministers</u>	<u>Elders</u>	<u>Nobles</u>	<u>Argyll</u>	<u>Total</u>
1646-7	89	53	15	1	142
1647-8	97	59	19	1	156
1648-9	99	53	12	1	158
1649-50	96	55	10	1	151
1650-1	90	59	11	1	149
1651-2	90	57	11	1	148
Total	561	342	78	6	904
Average	93.5	57	13	1	150.7

(71) RCGA, I-III, passim.

(72) G. Burnet, History of My Own Time, 1897, I, 53.

TABLE IIAverage Attendance per session

<u>Dates</u>	<u>Ministers</u>	<u>Elders</u>	<u>Nobles</u>	<u>Argyll</u>	<u>Total</u>
1646-7	22.5	6.4	.9	.06	29.0
1647-8	25.0	5.9	1.0	.07	31.0
1648-9	21.2	7.5	.9	.13	28.7
1649-50	24.5	7.0	1.2	.03	31.5
1650-1	18.9	4.4	.7	.1	23.3
1651-2	15.0	1.7	0	0	16.7
Total	22.4	6.1	.9	.08	28.5

Source (I & II) R.C.G.A. (passim.)

A rather similar set of conclusions is suggested by the composition of the committees to which so much of the more important business of the commission was delegated. Between February and June 1648, 17 committees were elected to deal with matters bearing directly on the Engagement. A total of 191 appointments included only 42 elders and only 4 of these were noblemen. The latter all served on committees set up in February before Parliament met - and this may be of some little significance (73). It is arguable that the Parliaments of the period, almost interminable as they must have seemed, imposed such a burden on their leading members that there was no time, or indeed energy, left for a body like the Commission which sat even more often.

(73) RCGA, II, pp. 351, 360-1, 363, 370, 372, 385, 394, 395, 400, 408, 410, 428-9, 442-3, 450-1, 472, 519, 559.

During this vital period, the Engager Lords did not serve on the Commission at all, though several of them were entitled to appear; their opposites, including Argyll himself, were little more assiduous. Perhaps more to the point, the work of the Commission was ideological rather than political in character; its habits of thought were theological and it demanded the services of divines rather than statesmen - who may indeed have found its methods intellectually repugnant. Its manifestos were so obviously the product of the clerical mind that we scarcely need Baillie, or indeed the very full records of the commission itself, to tell us that they were almost entirely composed of by small committees of ministers.

These calculations yield an invaluable by-product; they disclose the identities of the leading figures of the commission and thus of the church as a whole. To this end, those who attended more than a third of the meetings or served on at least three important committees have, perhaps a trifle arbitrarily, been separated from the rest of the membership. This method yields a list of 37 ministers and five elders headed by Robert Douglas who, as moderator, attended all the 136 sessions of the full commission as well as nearly all of the committees.

James Guthrie, radical, protester and eventually martyr, attended 107 sessions and 11 of 17 committees.

James Hamilton, minister of Dumfries (96 and 5), like Mungo Law of Edinburgh (86 and 1), was perhaps an assiduous

rather than a leading figure; but David Dickson (90 and 13) was undoubtedly both as he always had been. Andrew Cant (85 and 7) was also of some consequence, though his almost constant attendance may well have reflected his difficulties in an Aberdeen which was now solidly under the control of Provost Patrick Leslie and the Engagers (74). Patrick Gillespie (84 and 2) and John Nevay (86 and 0), were both extreme radicals seeking, not as yet with success, to penetrate the inner recesses of the establishment. Baillie (49 and 8) figures, quite characteristically, more prominently in committee than in the full sessions of the commission; but neither figure did justice to his importance; he was already disenchanted. Calderwood (69 and 10), ageing, cantankerous and conservative though he was, was still a surprisingly powerful figure; he was at once too awkward to prosper and too popular to be excluded. But the most significant figure, apart from Douglas himself, was undoubtedly George Gillespie (84 and 15), the hammer of the Engagers and, appropriately enough, the radical moderator of the assembly of 1648; his premature death soon afterwards would sanctify the Act of Classes and everything for which it stood. Samuel Rutherford (76 and 7) was a more reflective man, who, perhaps more than any of his

(74) BLJ, III pp. 61-3.

contemporaries, came to understand the nature of the revolutionary process which he was so assiduously pushing towards its ultimate conclusion. It is impossible to quantify Rutherford; but it is illuminating to enumerate his friends. No less than 12 - that is almost a third - of the group of leading ministers can fairly be regarded as radicals, either in terms of what they were saying or doing in 1648 or of the attitudes that they would later adopt. The radicals were a relatively small minority - substantially less than 10% of the ministry as a whole (75); but they were very strongly represented at the top. But the remaining two thirds were in no sense radicals. They included one active Engager, William Colville (55 and 1), and would have included another, Andrew Ramsay (28 and 0), if he had been allowed to stay the course. Andrew Fairfoul (66 and 2) and possibly John Adamson (68 and 0) were sympathisers who were cautious enough to avoid serious offence. All four were able and one - the ageing Ramsay - was popular enough to be dangerous; there was an obvious and significant reluctance to name any of them to committees. More influential in practice were John Smith (75 and 9) and Robert Ramsey (46 and 4), both moderates, both politically rather than ideologically motivated, both friends and allies of Robert Baillie. Most of the lesser figures in the list were moderates or conservatives.

(75) See below, Chapter V.

It is evident enough that the Commission of 1647-8, or at least its leading members, was chosen on the basis of ability; but there were other factors involved as well. The full commission, like the assembly which elected it, was supposed to reflect the church as a whole and this one did indeed include ministers from 46 presbyteries extending from Caithness to Stranraer. But the Commission was a more flexible instrument than the assembly. Some presbyteries could be omitted altogether; many from the north and from Argyll actually were; some again, like the rest of the northern presbyteries and most of those in the Borders and the extreme south west, were represented by only one minister. Edinburgh, by contrast, had 10 ministers, while St. Andrews, Kirkcaldy and Glasgow all exceeded the maximum of three ministers allowed to them in the assembly. These disparities were even more apparent among the leading ministers. There was only one representative from the 381 ministers of parishes to the north of the Tay and he was a refugee from his parish; on the other hand, 7 of the 28 ministers of Edinburgh presbytery, 4 of the 13 in Glasgow and 7 out of the 35 in St. Andrews and Kirkcaldy appear on the list of leading ministers; indeed these four presbyteries, all within easy reach of the capital, contributed almost half the total. It is indeed possible to be even more precise than this. Six were drawn from the city of Edinburgh or its tributary burghs; three came from Glasgow and four more from the burghs of Fife. Four more

again were among the eight ministers who held senior university appointments in Edinburgh, St. Andrews or Glasgow. The establishment figures tended to occupy the influential pulpits of central Scotland and the influential chairs of its universities. Melvillian theory was accepted with some reservations; Melvillian strategy was swallowed whole.

The active elders were a ragbag by comparison and their power was slight. The commission of 1647-8 included only five and this is too few for generalisation. The four commissions appointed from 1646 to 1650 yield fourteen none too famous names, thirteen of them identifiable. There was a complete absence of noblemen; only five were lairds; only one was a shire commissioner. The remaining eight included three relatively distinguished burgesses of Edinburgh; Sir James Stewart was a merchant and banker who opposed the Engagement and became Lord Provost in 1649; Lawrence Henderson, a merchant prominent in the kirk session and a future Bailie; and Thomas Paterson, a tailor who had represented the burgh in the assembly. The rest were all lawyers and two of them were judges. The largest single group were professional men like the ministers themselves. But this did not matter very much. The active elders of the commission were significant only in their numerical insignificance; the feudal church of 1638 had become the clerical church of the late forties. In some respects the church of 1649

resembled the clerical church of the early and middle thirties more closely than its immediate predecessor.

The Commission of the General Assembly arose, naturally enough, out of the obvious weaknesses of the church of the Covenant; it survived to become the instrument of a theocracy. It used the contrasting triumphs of Montrose and Cromwell to reduce the state - even the great Marquis of Argyll - to virtual impotence. It was the vehicle of a social revolution; but it was also split between two alternative versions of the revolutionary vision. According to one, the "state opposite to a state" was an end in itself, a self-evident truth which would carry the presbytery to the ends of the earth. Its devotees were internationalists first and Scotsmen second. On the other hand, the Resolutioners, some of whom had seen the same vision, placed a different construction on it. In 1652, in the aftermath of Worcester, Robert Blair, seeing a blueprint for a Cromwellian Scotland, likened it, and indeed any scheme for a union outside the Covenant, to "the simple bird embodying with the hawk who would soon eat it up". He had sought to impose the presbytery on the English because only thus could Scotland resist them - as he saw it - blatant imperialism of a mighty, though potentially friendly, neighbour. His words were aimed at Cromwell, but they might equally have been applied to Laud or Wentworth. In his eyes, the purpose of

the Covenant was of a defensive rather than a missionary kind. He could, as indeed by now he had, come to terms with the essentially patriotic objectives of an aristocracy which wanted above all else to preserve the "liberties" of feudal Scotland. The once radical Dickson ended up as the friend and ally of Robert Baillie, who had seen the vision only faintly and mistrusted much that he had seen.

CHAPTER FOURTHE MINISTER'S STIPEND

John Knox, the first of a long line of famous ministers of Edinburgh, married the daughter of a protestant lord - and lent him money. Alexander Henderson, his successor of the sixteen forties, lent even larger sums to a series of lords and lairds ranging from the principal heritor of his first parish of Leuchars to the Earl of Rothes (1). The "fairest ornament" of the church since "John Knox of incomparable memory" was also the most expensive (2). Knox had enjoyed a stipend from the Thirds which - converted from victual to money and from his money into Henderson's - amounted to rather more than £2,000 (3). He earned three or four times as much as the typical minister of either period and indeed much more than any other minister apart from Henderson himself, who, if the revenues of the Chapel Royal are included, received more than half as much again (4). Two

(1) T. M'Crie, Life of John Knox, Ed. 1884, pp. 436-91; J. Aiton, Life and Times of Alexander Henderson, 1836, pp. 661-4.

(2) BLJ, III, p. 12.

(3) Register of Ministers and their Stipends after the Reformation, Maitland Club, 1830, p. 2.

(4) BLJ, I, p. 395 (Chapel Royal); Extracts, Edin., 1626-41, p. xliii.

mighty men generated two mighty incomes and neither had the time to spend them. Baillie's eulogy of Henderson, delivered in the Assembly of 1647, was surely just: "you know he spent his strength and wore out his days; he breathed his life in the service of God and of this church" (5). Money came easily to Henderson and he almost negligently left it to earn its keep under the careful management of a nephew who inherited most of it and took it with him into oblivion.

Henderson, in his emoluments as in himself, was larger than life; but lesser ministers with meaner incomes conformed to a smaller but strikingly similar pattern. A minister's testament normally disclosed a modest inventory of "goods and gear" and a markedly favourable balance of debts (6). Henderson owed nothing and was owed over £23,000 and this was exceptional in its scale rather than its character (7). A rural minister of the middle years of the seventeenth century was wealthy in terms of the life of his own parish and so, as a leader of local society, he was intended to be. In rural Scotland the manse is often larger than the church. His income was modest, but his expenditure was small. He, almost alone in his isolated community, was in a position

(5) BLJ, III, p. 12.

(6) See below Table IV.

(7) Aiton, loc. cit.

to accumulate capital and it was natural that he should, in periods of poverty, lend it back to the farmers who initially had produced it. It is arguable that this was, no doubt incidentally, a desirable economic function; it is certain that it was one of the sources of his strength.

If indeed our ministers were wealthy in comparison with their neighbours, so were they in relation to their predecessors. The typical minister of Knox's day received a stipend, 'usually paid in money rather than kind, of about £100 (8) and this was probably equivalent to some £350 in the early 1640's or nearly £400 in the late 1620's (9), when under the tithe reform of Charles I, the minimum adequate stipend of a minister was declared to be £533. The church of Knox had paid its ministers out of a centrally collected fund, known as the Thirds of Benefices and fed from a tax amounting to a third of the annual value of all church property, teind and temporality alike. The tax was divided between the Crown and the Church and it is known that the amount available for ecclesiastical purposes rose from about £26,000 in 1562 to some £33,000 in 1576 and again to nearly £50,000 in 1590.

(8) Register of Ministers ... and their Stipends after the Reformation, Maitland Club, 1830, passim.

(9) Fife Sheriff Court Records (for Fiars prices). I have used Dr. Moore's transcript of these records.

In the meantime, some of the benefices were escaping from the system entirely as ministers were presented to them. The effect of this departure, the exact extent of which is unknown, is difficult to measure. On the one hand, the funds available to the ministry as a whole were reduced; on the other, the demands made upon them were similarly reduced. Nonetheless it seems reasonable to assume that more ministers were drawing stipends from the Thirds in 1590 than had done in 1560². It is also fair to assume that the value of money had fallen to about half its earlier level during the same period. It seems almost certain that the real value of stipends was falling and quite possible that it was falling fairly substantially. The Melvillian claim that the ministers were poor merely invited the reply that poverty was relative; but it must have seemed plausible enough to the ministers themselves (10).

The erection of the abbacies, each with its aggregation of appropriated teinds, into temporal lordships introduced a new situation. The Thirds were essentially a central fund levied on all forms of church property and paid out as money stipends to individual ministers; there was no attempt to distinguish between teinds and rents

(10) G. Donaldson, Accounts of Collectors of Thirds of Benefices; S.H.S., 3rd series XLII p. xxiv; R. S. Bryden, The Finances of James VI, Ph.D., Divinity, Edinburgh, 1925, pp. 119-20. G. Donaldson, The Scottish Reformation, 1960, pp. 93-4, 152-3.

and no attempt to tamper with the ownership of either (11). The new system, by contrast, sought, on the one hand, to transfer the ownership of the property to lay Lords of Erection and then burdened the teind element with an obligation to pay an adequate stipend to the minister of the parish to which the teinds related. The central fund of the 1560's was discarded in favour of a scheme which tied the minister's stipend to the teinds of his own parish. The weakness of the system, as seen from the ministers' point of view, resided less in the intentions behind it - which were not entirely inconsistent with the First Book of Discipline - than in the mechanics of its operation. The relevant clauses in the charters of Erection were usually vaguely worded and the resulting stipend was the outcome of an unequal bargain between the Lord of Erection or his tacksmen and the individual minister. It seems reasonable to conclude, in the absence of detailed research into particular instances, that titulars seldom paid their ministers more than they had previously paid to the Collectors of Thirds. The appointment of Commissions to augment stipends in 1617 and 1621 was plainly an attempt to redress the balance; the authority of the State was placed behind the minister. Both Commissions were authorised to compel tacksmen - who were often local heritors collecting teinds on behalf of distant titulars - to pay higher

(11) Donaldson, Thirds, pp. vii-xv.

stipends on the understanding that their leases would be prolonged. The position of the middlemen would remain unaltered; but the minister would gain at the expense of the titular (12).

At the same time, the state accepted the principle that a minister's stipend should only in exceptional cases be allowed to fall below a certain stipulated minimum. The Commission of 1617 defined an adequate stipend as 5 chalders of victual or 500 merks (£367) - and this was almost certainly less in real terms than the typical stipend of 1567. If this was so, Charles I more than redressed the balance by increasing the minimum to 8 chalders of victual or 800 merks (£533). The standard minimum of 8 chalders was retained by the Parliaments of 1641, 1647 and 1649; but the last, a ministers' Parliament if ever there was one, introduced a flexible conversion rate from victual to money. The change, which allowed the Commissioners to convert at up to £100 - instead of 100 merks - per chalder, was justified by the fact that prices were rising rapidly, though temporarily, in the late forties (13).

The most fundamental of the changes introduced in the

(12) APS, IV, p. 531, 605.

(13) APS, V, pp. 35-9 (1633); V, 401-3 (1641); VI, pt. I, 778-9 (1647); VI, pt. II, pp. 287-8 (1649).

seventeenth century was indeed the substitution, at least in arable areas, of a stipend calculated partly in terms of victual for a stipend which had usually been paid entirely in money. Stipends came to be paid in the normal currency of rural Scotland; henceforth they would be, at least in part, proof against the inroads of inflation.

The minister, who looked back a trifle apprehensively at a rather insecure past, could now look confidently forward to a stable future - or so he must have hoped. Ironically enough, he achieved the appearance of stability at a time when prices were beginning to turn against him. He had been unlucky during the sixteenth century and he was only less unfortunate during its successor.

Nonetheless it is evident that both the Crown and the Parliaments of the forties were doing their best. It is more difficult to decide how successful they were since the Register of Decreets, in which the work of their Commissioners was recorded in detail, disappeared in the great fire of 1700 (14). A substitute register, drawn up after 1707 from materials held locally, goes some way to fill the gap; but it includes only cases which happened to come before the Teind Court and it covers only a fraction of the whole picture (15). Connel, whose monumental work

(14) J. Connel, A. Treatise on the Law of Scotland respecting Tithes, 1815.

(15) The Register to supply Lost Records, 4 vols., S.R.O.

remains the starting point of any study of stipends, used this register, together with the original Sederunt Book, which records in its entirety the work of the Commissioners sitting from 1631 to 1633 (16). But he seems to have been unaware of the considerable collection of miscellaneous seventeenth century papers which survived the holocaust of 1700 (17). These are almost certainly the raw material from which the original Register of Decrees was constructed and, though they are far from complete, they add greatly to our knowledge of the two vital periods from 1634 to 1636 and 1649 to 1650 when most of the seventeenth century augmentations seem to have taken place. They are not, however, comprehensive and the calculations which follow, based as they are on the Sederunt Book, the substitute register and the miscellaneous papers, do not reflect either the total picture or a scientifically selected sample from it. They are based on the accidents of survival and they should be treated with a certain suspicion.

They relate to the whole of Scotland apart from the far north and the Highlands, where the surviving evidence is even more scanty. Within this area, which includes the

(16) The Sederunt Book of the Commissioners of Tithes, 1630-33, S.R.O.

(17) Miscellaneous Teind Papers, S.R.O.

greater part of Lowland Scotland, there were 700 rural or partly rural parishes and there is evidence that the stipend was augmented in 226 of them - about one third of the whole - at some time between 1631 and 1650. In some presbyteries, the proportion was much higher. In Edinburgh Presbytery, 12 livings out of 16 were definitely augmented; in Earlstoun 7 out of 9; in Paisley 10 out of 15; in Penpont 6 out of 10; in Biggar 8 out of 13; in Haddington 9 out of 16; On the other hand, only 1 living out of 11 is known to have been augmented in Hamilton; only 2 out of 14 in Lanark, which bordered on Biggar; while the north as a whole also scored rather low - about 25% compared with about 35% in the south. It would plainly be absurd to draw certain conclusions from such slender, and sometimes contradictory, evidence. And yet there are positive indications from Restoration sources that a few stipends were not augmented at all. It is tempting to suggest that the Commissioners were always less energetic to the north of the Tay and that this was especially true in 1649-50 when only 1 stipend in 14 - compared with nearly 1 in 5 in the south - was definitely increased. It seems equally likely that the Commissioners of 1649-50 deliberately responded to the pressures exerted by some of the more remote southern presbyteries which seem to have been almost ignored in the thirties; the high proportion of livings augmented in Kirkcudbright and Biggar seems to be an example of this. Indeed one of the functions of the

Commissioners was quite simply to force up the value of the unfashionable living wherever it happened to be situated. The Commissioners of James VI had been, to judge from the instances recorded by Connel, almost as assiduous in the south west as they had been in the conservative north.

The surviving evidence suggests that at least 113 livings were augmented between 1631 and 1637 and a further 105 in 1649-50. By contrast only 19 increases are known to have been granted between 1641 and 1647 despite the fact that Commissioners were empowered by Parliament to act throughout the period. It is easy to understand that little was done in the disturbed years from 1643 to 1646. But 1642 was a year of peace and 1647 a relatively calm interlude in a decade of almost continuous turmoil. The inactivity of the Commissioners during these years surely reflects a reluctance on the part of the Parliament to augment stipends at all. In the thirties the pressure had been applied by the Crown and the Canterburians; in 1649 it would be applied by a presbyterian church with a Parliament in its pocket. In the years between the balance of forces was rather different; a bishopless church ran in double harness with a feudal Parliament, in which the Lord of Election was a powerful force. By and large stipends were only augmented when the titular was willing.

The extent of the augmentations is again difficult to

determine accurately since most of the stipends concerned - about two thirds of the known cases - were at least partly paid in victual. This inevitably poses the problem of conversion rates at a time when prices were fluctuating fairly rapidly. It would plainly be desirable to calculate a standard rate which would embrace the whole of the period and the whole of the country as well as the entire range of commodities - mainly bere, oatmeal and wheat - which made up the victual component of a stipend. In fact this is almost impossible since the surviving sets of fiars prices are too localised to present a general picture. On the other hand, the rate - of £67 per chalder for all regions and all commodities - used by the Commissioners, was at once too low and too crude. The table of rates laid down by the Parliament of 1649 for the land tax was fortunately much more sophisticated; different prices were quoted for each region and each commodity. It is true that the general level of the prices - of approximately £80 per chalder - was still rather low, but - in the absence of a detailed price index - they offer the possibility of a more accurate overall picture than any other source (18). These rates have been used in all the following calculations in the full knowledge that they slightly understate the value of the victual element in the stipends concerned. Direct comparisons with the incomes enjoyed by other

(18) A.P.S., VI, pt. II, p. 524.

sections of the community - or with the ministers of Knox's day - can thus be made only with reservations.

The reservations, imposed on the one hand by the accidents of survival and on the other by the fluctuations of the market, plainly preclude certainty. But it nonetheless seems likely, from the evidence of the teind surveys of 1627, and of subsequent augmentations, where these were detailed enough to show the previous stipend, that the typical minister enjoyed a stipend of about £360 during the twenties. If this was so, the average minister was earning rather more than the minimum (£333) recognised by the Commissioners of 1617 and 1621, though rather less than the average settlement actually imposed by them (£391) (19). It is perhaps a reasonable inference that the Commissioners modified considerably more stipends than the surviving evidence suggests and that they succeeded by example in raising the general level to a figure which the period regarded as adequate (See Table I).

(19) Connel, III, p. 44.

TABLE I

Average stipends in the 1620's followed by average levels
of stipends augmented at dates shown (figure in brackets

indicates number of instances)

<u>Area</u>	<u>Twenties</u>	<u>1617</u>	<u>1631-7</u>	<u>1641-8</u>	<u>1649-50</u>
<u>Synod of:</u>					
Lothian	405 (30)	576 (2)	584 (17)	604 (4)	633 (24)
Merse- Teviotdale	358 (12)	463 (3)	559 (7)	414 (1)	710 (3)
Dumfries	408 (6)	- (-)	632 (4)	- (-)	686 (7)
Galloway	355 (3)	347 (10)	567 (2)	580 (1)	724 (5)
Glasgow- Ayr	368 (16)	344 (1)	550 (19)	633 (4)	694 (13)
Perth- Stirling	336 (12)	359 (5)	523 (11)	568 (2)	736 (10)
Fife	331 (10)	- (-)	530 (7)	540 (4)	720 (10)
<u>South of Tay</u>	373 (89)	388 (21)	558 (67)	578 (16)	685 (72)
<u>Synod of:</u>					
Angus- Mearns	375 (9)	514 (2)	554 (13)	583 (1)	642 (4)
Aberdeen	260 (3)	367 (8)	487 (13)	560 (1)	560 (6)
<u>North of Tay</u>	346 (12)	396 (10)	521 (26)	571 (2)	593 (10)
<u>Whole of Scotland</u>	359 (101)	391 (31)	544 (86)	576 (18)	674 (82)

n.b. It should be emphasised that different parishes are involved in each of the columns of the Table.

The Commissioners of King Charles achieved much more than this. The evidence of 86 augmentations suggests that the average stipend rose from about £360 in the twenties to nearly £550, or rather more than the ~~much more~~ generous minimum of £533 stipulated by the Crown. The awards of the period 1641-7, few though they were, tended to be even higher; but even these dwindled into insignificance compared with the massive stipends - an average of £674 from 82 instances - granted by the Commission of 1649-50. To look at the same question from a different angle, the augmentations of the thirties tended to yield an increase of from 10% to 50% of the original stipend; those of the period 1649-50 tended to produce an increase of from 20% to 60% (see Table II).

TABLE II

Percentage increases of stipends granted during the augmentations of (a) 1631-7 and (b) 1649-50.

<u>Extent of Increase (%)</u>	<u>No. of Instances in:</u>	
	<u>1631-7</u>	<u>1649-50</u>
1 - 10	2	0
11 - 20	11	0
21 - 30	9	6
31 - 40	13	5
41 - 50	9	6
51 - 60	2	5
61 - 70	3	3
71 - 80	3	0
81 - 90	1	1
91 - 100	4	1
>100	3	1

One or two regional variations are sufficiently marked to survive the fragility of the evidence. Augmentations in parishes south of the Tay were always more generous than they were in the north, except in 1617 when the reverse was true. The extreme case was the Synod of Aberdeen which always fared worse than most, and usually than all, of the areas to the south of it. On the other hand, the Synod of Lothian stands out as an area of high stipends in every augmentation except the last when, as we have already suggested, the church, in its hour of triumph, concentrated its attention on its outworks. In Dumfries and Galloway, newly augmented stipends were comfortably above the national average. In the remote upland parishes of the presbytery of Biggar, where the total valuation for land tax purposes ranged from a mere £1,200 to a paltry £4,600, the stipends of Glenholm, Kilbucho Coulter, Skirling and Lamington were augmented to £566, £565, £599, £567 and £679 respectively. Only in the tiny parishes of Dolphinton and Walston, which had been united until 1608, did the stipend remain significantly below the minimum.

It seems quite possible that most livings were substantially enhanced by one régime or the other and it is certain that a few were increased by both. The stipend of Currie was augmented from £420 to £497 by the bishops and from £497 to £730 by their opposites (20); that of Inverkip

(20) B. R. Edin., Minutes, 26.10.49.

rose from £416 to £703 in two more or less equal leaps, each of about 30%. In all, eleven livings are known to have been doubly blessed and there is no reason to doubt that others were similarly favoured.

All these calculations refer to stipends known to have been augmented and these in themselves are at best an indifferent guide to the wider and more elusive question of the general level of ministers' incomes. Fortunately the assessments made for the land tax offer an alternative angle of approach. The shire committee concerned prepared two documents for each of the parishes in its area. The first was a list of heritors showing the annual value of the lands, stock and teind combined, held by each one, less the various allowable deductions (21). The other was a statement of the total tax liability of each parish, subdivided into money and the various kinds of victual involved, together with an itemised list of the deductions (22). The minister himself was liable for the tax only in those relatively rare cases where he was also a heritor; but his stipend, which was deductible for tax purposes, was among the items subtracted from the parish total. In many cases, the ministers' stipends were not clearly distinguished from other deductible items; but in

(21) Rental of the County of Perth, 1649, contrasted with 1835; 1835.

(22) Parish Valuations, Perthshire, 1649, S.R.O.

one, the meticulously compiled Perthshire roll, the stipend was not merely noted but split into its separate elements of money and victual. If it be true that Perthshire, divided as it is by the Highland line, is rural Scotland in microcosm, we are fortunate indeed.

The Perthshire roll was made up in 1649 and thus ignored all, or at least almost all, of the augmentations made in that and the following year, but it should have taken account of all previous augmentations - the more so since there was an obvious incentive to quote the highest figure for any deductible item. Within the limitations imposed by the seventeenth century's contempt for statistical accuracy, the Perthshire figures, comprehensive as they were, represent the situation as it actually was in the forties (see Table III).

TABLE III

Stipends in Perthshire, 1649

<u>Area</u>	<u>Parishes</u>	<u>Average Valued Rent</u>	<u>Average Stipend</u>
Presbytery of Perth	20	5,801	543
" " Dunkeld	19	4,348	369
" " Auchterarder	15	5,348	454
" " Dunblane	12	4,852	411
Highland Parishes	19	4,119	359
Lowland Parishes	47	5,445	475
Total	66	5,110	449

The figures are surely revealing enough. The average living in the four adjacent presbyteries of Perth, Dunkeld, Auchterarder and Dunblane was still substantially below the minimum laid down by Charles I; the typical minister drew a stipend which was 17% below the accepted standard of the period. To some extent, this can be explained by the inadequate stipends yielded by nearly all the Highland parishes; but this was clearly not the whole of the story since the Lowland average was itself below the minimum. Indeed, only the presbytery of Perth, an influential body which had previously enjoyed the powerful backing of the Archbishop of St. Andrews, showed a significantly higher average. For one reason or another, the more accessible parishes of the shire tended to pay stipends that were at least adequate. It may well be that the average for the presbytery of Perth - of £543 - was fairly typical of the Lowlands as they were before the augmentations of 1649-50.

However this may have been, there was a substantial variation within the presbytery itself, partly no doubt because some of the stipends had not been augmented. Nine of the twenty stipends were still well below the minimum and it is probably no mere coincidence that these included three of the five livings for which the teinds were held by a bishop - in which the church as titular stood in direct confrontation with its own parish minister. The bishops' kirks were not specifically excluded from the jurisdiction of the Commissions of Charles I - and they

were, of course, deliberately brought to the notice of subsequent commissions (23) - but the Crown rather ostentatiously declined to encourage the compulsory augmentation of their stipends and very few, either in Perthshire or elsewhere, seem to have been so increased before 1637. This did not, however, exclude the possibility of voluntary agreements in parishes where the teinds were sufficiently valuable to satisfy bishop and minister alike. Thus, in the presbytery of Dunblane, only two stipends - those of Kilmadock and Dunblane itself - were above the minimum and both were paid from the bishop's teinds. But it so happened that Dunblane and Kilmadock were also the two largest parishes in the presbytery. The seventeenth century conventionally assumed that the teinds of any given area of land amounted to one fifth of its yield in stock and teind combined, at least in cases where the two were no longer readily distinguishable. It may thus be reasonable to assume that the teinds of Dunblane and Kilmadock were worth, however approximately, a fifth of the valued rent attributed to them for land tax purposes - ^{they were worth} that is about £2,000 and about £2,300 respectively. There was plenty here for bishop and minister alike.

Indeed it is evident that, in the last resort, the vital factor was the capacity of the parish rather than the ownership of its teinds or even the preconceived notions of

(23) APS, V, 400-3.

the Commission. In 1649, the average stipends of the ministers of all four of the presbyteries, as well as of those in the Highlands and in the Lowlands, fell, with extraordinary consistency, between an upper limit of 9% and a lower limit of 8% of the valued rent available to pay them. The ministers of the presbytery of Perth were better off than the others, because they served larger and wealthier parishes.

The exceptions remain of some interest. Errol, in the rich though as yet partially undrained Carse of Gowrie, was the wealthiest rural parish in the shire. The valued rent amounted to rather more than £18,000 and the teinds, once the property of the Charterhouse and now of the Burgh of Perth, were probably worth about £3,500. They might have supported six or seven ministers adequately enough; they actually paid the best rural stipend - of £912 - in the shire, leaving over £2,500 - less the profits drawn by any tacksmen that may have been involved - to the titular and thus indirectly to the ministers of the burgh of Perth. Once again the church confronted itself. The adjacent parish of St. Madoes was a tiny independent parsonage with a valued rent of only £1,800 - or about one tenth of that of Errol. The minister, who was entitled to the whole of the teinds, received annually no less than £567, nearly one third of the valued rent. This was unusual if not unique and it is tempting to assume that the Laird of Pitfour, the sole proprietor, was more successful than

most in concealing the true value of his rents. Collace, an even smaller parish, was only slightly more typical; its stipend was a mere £350, but this was nonetheless about a quarter of the valued rent and thus substantially more than the presumed value of the teinds. Small parishes naturally tended to pay small stipends, but they plainly did their best.

Errol and Collace were extreme cases; Dunbarney and Scone, though neither could claim to epitomise the whole, were more typical. Dunbarney discloses itself through the records of its titular and patron, formerly the collegiate foundation of St. Giles and now the Town Council of Edinburgh. The teind survey of 1627 had declared the teinds of most of the estates of the parish to be a fifth of its rents (24), which were valued in 1649 at £7,206. The parish was relatively prosperous, land having an average value of 18/- per acre compared with 31/- in Errol and about 1/- around the lonely summits of Schiehallion and Ben Lawers; as was usual in an essentially arable parish, stock and teind alike were for the most part calculated in victual, some of it in wheat. The stipend, at first glance a trifle anomalously, was paid in money, perhaps because the tacksmen, having to send the residue of the teinds to Edinburgh, found it more convenient to sell the victual in or near the

(24) Extracts, Edin., 1626-41, pp. 74-5.

parish itself. During the twenties, teinds worth about £1,450 yielded a stipend of £380 or rather less than a quarter of the whole. This was augmented in 1635 to £500 which was still to be paid in money. In 1648 a further augmentation, this time entirely in victual, brought the stipend above the minimum to a reasonably generous £592. In the following year yet another augmentation, granted in the very different political climate of 1649, hoisted it yet again to £707 or about half the value of the teinds (25). The stipend was almost doubled in fifteen years. The diminishing remainder of the teinds, further reduced by the tacksmen's profit to about £500, was administered by the City Fathers in the interests of their own ministers (26).

Scone, slightly smaller with a valued rent of £6,897, and teinds which must have been worth rather less than £1,400, presented a rather less complicated conflict of interest between the church and the Lord of Election, the Earl of Annandale, who had succeeded to the substantial inheritance of the Abbey. The conflict was resolved by the Commissioners in the thirties with an award which granted the minister an increase from £480 to £569. The valuation of 1649 records the slightly higher figure of £597 - which probably included an allowance for the Communion elements -

(25) BR, Edin., Minutes, 25.3.35; 26.10.49.

(26) BR, Edin., Accounts of the Collectors of Kirk Rents, 1612-45, passim.

and there is no evidence of further augmentation.

David Wemyss, minister of Scone from 1620 to his death in 1684, was locally prominent without being nationally remarkable (27), and his stipend of £569, like the man himself, was rather better than average. It is tempting to place him in his own local community. In the valuation of 1649, the Earl of Annandale, Lord of the Regality of Scone and titular of its teinds, confessed to an income, drawn from his proper lands, teinds and feu duties in the parish, of £1,618. His landed vassals - and Scone was naturally a parish of feuars - were collectively worth more than four times as much; but they were thirty-seven in number and it is interesting that they were all poorer, not merely than the Earl of Annandale, but also than David Wemyss. The feuing of the abbey lands during the previous century plainly puts Scone in a special category; but it was not entirely untypical of the shire as a whole. Perthshire had its share of very wealthy men. The Earls of Tullibardine and Perth, whose lands were largely concentrated in the shire, drew rents worth about £12,000 and £13,500 respectively. Two lairds, Hay of Balhousie and Ogilvie of Inchmartin, enjoyed comparable landed incomes of rather over £10,000 and rather under £8,500. All told, nearly a hundred proprietors were worth more than

(27) Fasti Ecclesiae Scoticae (FES), IV, p. 251.

the minister of Scone; but a much larger number - perhaps about a thousand - were worth less. The calculation is imperfect since it is difficult to distinguish a small landed estate from a house and garden belonging to an owner with other interests. It does, however, seem certain that the typical estate yielded rents which were substantially less than the minimum stipend of a minister (28).

The testaments present a rather similar picture painted, albeit a trifle haphazardly, across a broader canvas. Testaments were recorded, and thus preserved, by a remarkably wide variety of people extending indeed from noblemen to cottars; unfortunately the act of registration was voluntary and thus, at least among the poor, relatively rare. The Record of Testaments are the essential raw materials of social history, but the samples they offer were selected by chance rather than by design. They are statistically interesting without being statistically valid. The figures which follow (see Table IV) are based on a survey of all the testaments recorded in the Commissary Courts of Edinburgh and Glasgow in 1662 when many of the men who were active during the 1640's must have died; but they were not a random sample of the population as a whole or even of those who died in 1662. The results should be treated with some caution.

(28) Rental Perthshire, passim.

TABLE IVInventories and Totals of Testaments Recorded in Glasgow and Edinburgh in 1662.

	<u>Inventories</u>		<u>Totals</u>		<u>Ratio</u>
	<u>Instances</u>	<u>Ave.</u>	<u>Instances</u>	<u>Ave.</u>	<u>Total/Inventory</u>
All Testaments	449	529	466	1407	2.7 to 1
Ministers, 1662	15	445	15	2684	6 or 7 to 1
(Ministers, 1650-59)	(131)	(370)	(150)	(2760)	
Landed Proprietors	45	840	45	3134	3.7 to 1
Other Rural	211	363	217	423	1.3 to 1
All Rural	256	447	262	895	2.0 to 1
Merchants	95	971	102	3194	3.3 to 1
Craftsmen	83	289	87	678	2.3 to 1
All Urban	178	653	189	2035	3.1 to 1

The average for all testaments suggests a typical inventory of about £530 and a typical total - that is the inventory together with the balance of debts - of just over £1,400. The comparable figure for ministers only is based on a sample so small that it is useless in itself; the much larger section based on all the ministers' testaments registered from 1650 to 1659, is probably more illuminating and it is comforting that it gives a rather similar total. The typical minister left moveable property to the value of rather more than £2,700 or nearly twice the figure for all testaments. By contrast his inventory was

valued at about £400 and this was substantially less than the figure for all testaments. Indeed the ratio of totals to inventories was much higher for the ministers than it was in any other category. This inventory was likely to include the produce of his glebe, if he had one; but, this apart, it was confined to the plenishings of his house - which tended to be strikingly modest for a relatively wealthy man - his library and such ready cash as he may have had about him when he died. The rural minister had few temptations and he spent little. On the other hand, his stipend was often in arrears and was thus entered in his testament as a debt owing to him. It is also evident that he lent money freely enough.

The other categories in the Table are all open to the objection that they cover too broad a range of disparate individuals. The proprietors include magnates as well as feuars; the countrymen include everybody from a husbandman to a half-hynd; the merchants range from shopkeepers to merchant princes; the craftsmen from a village weaver to an Edinburgh goldsmith. The resulting averages are plainly less valuable in consequence, but it is nonetheless striking that none of the totals are much higher than the ministers' total and that most of them are much lower. The minister was a man of some consequence.

These calculations are not without their value; but the passing of the centuries has blurred the image. We know that £12 Scots could be exchanged for £1 sterling but

we know very little about the goods that either pound would have bought. It is perhaps more illuminating to revert, as contemporary Scotsmen so often did, to victual and to stay as close to it as possible. A Cromwellian wage assessment of 1656 (29) defined the annual entitlement of a half-hynd as a small house, a kailyard, rather less than two thirds of a chalder of victual and pasture for a single cow or five sheep. It may not be entirely unreasonable to regard this as the equivalent of a minimum living wage as the seventeenth century would have understood the term. If we then proceed, purely as an arithmetical convenience, to translate the victual component back into money at the rates laid down in the Perthshire valuation of 1649, the result is a wage of just under £40 per year, to which must be added the annual produce of one cow. A minister drawing the minimum stipend of 8 chalders of victual, or about £580 at the same prices, would receive approximately fifteen times as much as the victual component of a living wage. It is perhaps a mere coincidence that a minister's glebe was originally supposed to yield the equivalent of pasture for 16 cows - that is sixteen times as much as the grass land available to a half-hynd. It is, of course, notorious that some ministers lacked glebes; but it is

(29) Assessment of Wages made by Justices of Peace in Edinburgh, 1656 (S.H.S., XXXI, 1899, pp. 405-11).

equally true that the period of the augmentation of stipends also witnessed an attempt to restore the glebes (30). The exact multiplier must remain a matter for conjecture, but it is surely evident that a rural minister was normally at least ten times as wealthy as the cottars and farm servants who made up the bulk of his congregation.

The ministers in the towns plainly belong in a different category. The First Book of Discipline had argued that the minister was entitled to the teinds of his own parish and, in the countryside, the decreets of the Teind Commissioners were slowly achieving an approximation to this. They were also active in burgh parishes which, like Dunfermline or St. Andrews, included a landward area; but they had no competence in a parish, like Edinburgh, which did not. Indeed, Edinburgh presented an entirely different problem. It is arguable that the merchants and craftsmen of medieval Edinburgh - who were farmers as well as traders - had once paid teinds in the ordinary way and that these may have been adequate to meet the needs of the church of a small medieval town. But Edinburgh was no longer small. In the sixteen thirties, it was a city of at least 20,000 inhabitants (31); its closes, which had once been gardens, were now teeming

(30) APS, IV, p. 285; V, p. 665; VI, pt. I, p. 221; VI, pt. II, p. 288.

(31) B. R. Edin., Valuation Roll for the Annuity Tax, 1634-36, passim.

alley ways which seldom saw the sun; along the High Street, its tenements already reached for the sky. Teinds in the ordinary sense of the term had long been supplanted by the endowments presented, either individually or collectively, by its inhabitants. These were enhanced during the fourteen sixties by the erection of St. Giles into a collegiate church, which added the substantial teinds of the parish of Dunbarney. The similar, and almost simultaneous, erection of the collegiate church of the Trinity, also within the burgh, brought a further collection of rural teinds including those of Wemyss, Soutra and Kirkurd (32). These varied endowments, together with the property of the monastic houses in Edinburgh, gradually became available, under the administration of the Magistrates and Council, to the reformed church during the last four decades of the sixteenth century. Insofar as it consisted of landed property, either within the burgh or outside it, its value was gradually diminished by inflation; insofar as it consisted of teinds, it was inevitably reduced by the local stipends dependent on them; the great augmentations of the seventeenth century inevitably tended to confound the ministers of Edinburgh.

(32) I. Cowan, Parishes of Medieval Scotland, SRS, XCIII, 1967, p. 217.

These revenues, together with others like them, were channelled through the accounts of the Collector of Kirk Rents into the Common Good of the burgh. For the most part, their yield - usually rather over £2,000 per year (33) - was less than adequate to meet the mounting demands made upon them. For the church in Edinburgh was in an anomalous, indeed almost an absurd, situation. Its population, which was at least twenty times as great as that of the average rural parish, justified an elaborate establishment, for which the inhabitants could obviously have afforded to pay. And yet they did not and could not pay for it. A royal burgh could not of itself levy taxes. The solution, envisaged in 1625 and enacted by the Privy Council in 1634, was a tax on householders, assessed according to their house rents, and designed to produce £8,000 annually - or enough to pay fifteen ministers at the minimum rate for a country parish (34). But Knox was not a country minister and nor were his successors. In 1623, the ministers of Edinburgh were already earning stipends of £800 per year (35). In 1625,

(33) BR, Edin., Accounts of the Collectors of Kirk Rents, 1612-45, passim.

(34) R.P.C.S., 2nd Series, V., pp. 234-6. Extracts, Edin., 1626-41, pp. 161-2.

(35) BR, Edin., Treasurers' Accounts, 1623.

the Town Council, as part of an agreement with the Crown which divided the burgh into four separate parishes, contracted to pay this substantial sum to an establishment of eight ministers (36). During the next decade, they actually paid it, together with a house rent of £133, to six or seven ministers according to the number of vacancies at the time in question. Expenditure was usually between £5,000 and £6,000 per year and this rose sharply in 1634 when six of the eight stipends were increased to £1,200 - more than double the rural minimum (37). Thereafter the picture loses clarity, since the ministers' stipends no longer figure in the Town Treasurer's Accounts. It seems likely that the advent of the annuity tax led to a different system of accounting, but this is not certain since it is not clear when the new tax actually began to be levied. In any event, the revolution quite suddenly reduced the ministers of Edinburgh from eight to two and expenditure on stipends and house rents from nearly £10,000 per year to about £2,500. In 1639, three distinguished recruits - Henderson, Douglas and Colville - brought the total up to five, where it remained until 1641 (38). At this point a further reorganisation of the parishes expanded the establishment from eight ministers

(36) Extracts, Edin., 1604-26; pp. 260, 261-66, 277, 289.

(37) BR, Edin., Treasurer's Accounts, 1623-36.

(38) FES, I, pp. 37-141.

to twelve (39); while, at the same time, the rents and teinds of the Bishopric of Orkney, yielding a tack duty of about £6,000 per year, substantially enhanced the funds available to pay them (40). In any event vacancies tended to keep costs down. There were still only 10 ministers officiating in the city in 1644 and, despite a number of changes, the total neither rose nor fell from this level for the rest of the decade (41). The city was called upon to find some £12,000 per year from revenues which, at least in ideal circumstances, were capable of producing an annual income of about £15,000. But the circumstances were far from ideal. Plague, civil war and high taxation all in their different ways combined to reduce revenue. It is at least doubtful whether the annuity tax was yielding anything like the sums expected of it. In June 1646, a commission, drawn from the Town Council, the kirk sessions and the neighbours, met to survey a deteriorating situation and to recommend a "solid course" to finance the church without recourse to the Common Good. It was emphasised that all the inhabitants of the burgh should "contribute their proportional part of what shall be wanting and deficient of the kirk rents". The presence of two members of the College of Justice

(39) BR, Edin., 24.12.41.

(40) See below N. 52.

(41) FES, I, pp. 37-141.

strengthens the impression that the annuity tax was not a success and strongly suggests that an alternative, which would circumvent the privileges of the legal profession, was being sought (42). Whatever the reason may have been, it is certain that the problem was serious; Henderson's stipend was two years in arrears when he died two months later (43).

The defeat of the Engagers was also the defeat of the dominant party in the burgh oligarchy and the new Town Council, like the new augmentation Commission, was at the mercy of the ministers - and they were merciless enough. In the first place, the annuity tax was altered almost beyond recognition; the rate was increased to produce an estimated annual income of £12,333; the special privileges of the lawyers were abolished; above all, the Magistrates were pointedly excluded from any share in its administration. The deacons of the kirk sessions of Edinburgh, who had previously managed the distribution of the poor money, emerged as the Melvillian treasurers of a revolutionary church; the annuity tax would be theirs to collect - if they could (44). At the same time, the church prepared to descend upon the teinds. In February 1650, a rumour reached the Town Council that their ancient

(42) Extracts, Edin., 1642-55, pp. 93-4.

(43) Aiton, loc. cit.

(44) BR, Edin., 26.1.49; APS, VI, pt. II pp. 225-7.

revenues were to be expropriated by the Commission of the General Assembly in the interests of the country ministers of the parishes "whence the teinds were drawn". Since the town's ministers were strongly represented on the Commission, it was reasonable to assume that the Common Good would be called upon to make up the difference (45). The church, as Nasmyth's speech to the assembly of 1649 had indicated (46), was moving inexorably towards the proposition that the parish minister was entitled to his own teinds. It was a prospect that the City Fathers, as the Titulars of at least seven ^{mainland} ~~lowland~~ parishes and more in Orkney, could not be expected to relish. Their teinds of Soutra, a small parish, had already gone (47).

As the teinds were melting away, the demands upon them mounted. The statute renewing the annuity tax had stipulated that the proceeds should be divided among six ministers, each of whom would get £1,900 including his house rent. In September 1649, the Town Council conceded the inevitable demand that the remaining ministers should be similarly provided (48). A full establishment of twelve ministers - each receiving between three and four times the minimum stipend of Charles I - would now cost

(45) BR, Edin. 202.50; RCGA, II, pp. 413-4.

(46) Balfour, III, pp. 417-8.

(47) Extracts, Edin. 1642-55, p. 153.

(48) Ibid., p. 178.

nearly £25,000. It may well be true that a wealthy city could easily have found such a sum, that it was indeed a smaller burden on its resources than quite a modest stipend regularly imposed on a small rural parish. But this was scarcely the point. The Common Good and the teinds were already over extended; the attempt to broaden the tax base from the burgh community to the population at large - and this was perhaps the real significance of the annuity tax - was meeting resistance; in July 1650, a report to the Town Council had remarked that "many poor persons" were not paying the tax (49). The immediate reaction of the Council to the new stipends had been to borrow money; but this was obviously a mere expedient; Cromwell arrived not a moment too soon.

From 1650 to 1654 the yield of the annuity tax fell still further. In the latter year, the Magistrates of Edinburgh, who were gradually regaining the initiative, brusquely informed the deacons of the kirk sessions that they had neglected their duty and, perhaps a trifle contemptuously, offered the assistance of the "officers of this burgh" in the collection of the tax (50). In March 1655, the ministers, now hopelessly in arrears, came to terms. They agreed to accept £1,467 per year for

(49) B.R., Edin., 3.7.50.

(50) Ibid., 23.6.54.

their bygone stipends and house rents and the rather higher sum of £1,667 for the future. The contract of 1649 was quite simply torn up. At the same time they agreed to accept 10 ministers as an adequate establishment for the churches of the burgh. More than this, they surrendered their rights in the annuity to the civil power. The new treaty was tentative enough and each party specifically reserved its right to withdraw; but it was solidly rooted in reality and it would last (51).

The middle fifties also evolved a more rational system of administration, which channelled all the various sources of revenue into a single pool. This was solely, or almost solely, devoted to the payment of stipends and house rents. The accounts of this fund, which survive for 1657, offer the only available survey of the entire field. They show that the tack duty for the Bishopric of Orkney was worth £6,267 per year; that the various tacks of the landward parishes were still bringing in £2,100 per year; and, most significantly, that the annuity tax, despite the intervention of the civil power, supplemented as it was by the New Model Army, was only yielding £6,767, or substantially less than Charles I had originally expected of it. The total revenue, which also included a number of non-recurring compositions for tacks, was almost £16,500 and the regular revenue was rather more

(51) Ibid., 28.3.55.

than £15,200 - or about 60% of the demands of the ministers as they had been in 1649 (52). Now, in 1657, ten ministers were receiving a total £15,551. The minister had sought an income of £2,100 per year; he was promised £1,667; he actually got about £1,555 and a valid legal claim on the remaining £112. This was not untypical. Stipends had been regularly and fully paid until the first augmentation of 1635. Thereafter they had drifted more or less seriously into arrears with the fluctuations of supply and demand. The situation was now returning to normality.

The ministers of Edinburgh, despite their recent reverse, were wealthy enough. At the turn of the century, they had received stipends of about £500; during the first ten years of Charles I they had got £800 and these were augmented just before the revolution to £1,200; in 1649, they rose, in theory if not in practice, towards £2,000 and eventually settled down at about £1,500, or three times the original level. For the greater part of our period, the ministers of Edinburgh received stipends of £1,200 and house rents of £135 - perhaps twice as much as a rural minister with a manse, glebe and rather more than the minimum stipend. Again the attempt to express

(52) Accounts of Treasurer of Kirk Rents and Ministers' Stipends, 1657. These accounts are bound with B.R., Edin., Kirk Treasurers Accounts, 1648-63.

this in basic terms is irresistible. The wage assessment of 1656 suggests that it cost 3/- per day, or roughly £55 per year, to feed a casual labourer (53). The rather earlier valuation for the annuity tax indicates that the occupier of the smallest dwellinghouse paid a rent of from £5 to £10 a year. This may suggest - for the calculation is dubious enough - that an urban labourer and his wife needed a little over £100 a year to live - perhaps twice as much as a rural cottar. If this is true, a minister in the early forties was worth 12 times as much, and his successor of the late fifties fifteen or sixteen times as much, as a living wage.

The annuity tax valuation invites a further comparison. In the south-east quarter of Edinburgh, there were forty-five houses paying an annual rental of between £110 and £150 per year, or the approximate equivalent of a minister's house rent, and forty-one of the occupiers are identifiable. Twelve of these were merchants, most of them men of some consequence though rather less than merchant princes; and six were vintners, who tended to be prosperous rather than rich. There were only five craftsmen including three surgeons, one goldsmith and a tailor - all of them from the more influential incorporations. But the largest single group - of eighteen - were very close to

(53) See above, N. 29.

the ministers themselves. They included at least eleven lawyers - among them a Judge and the Town Clerk of Edinburgh - a Regent of Philosophy and a Doctor of Medicine; they might reasonably be described as professional men. The south-east quarter had forty-eight larger houses, two of which paid rents of over £500 per year, and nearly a thousand smaller houses, almost half of which paid rents of less than £20 annually (54). If the Edinburgh ministers were much less wealthy than Sir William Dick of Braid, ~~merchant, banker, usurer to Charles I and the Parliaments of the 1640's, and Lord Provost in 1638,~~ they were also enormously richer than the multitude of labourers and journeymen, who made up the bulk of their congregations.

For the ministers of town and country alike, the first half of the seventeenth century was a triumph which can conveniently be expressed, however, imprecisely, in financial terms. Professor W. Roland Forster has shown that the total value of the average minister's testament tended to increase during the first three decades of the century and then to fall away during the thirties. The table, which follows (see Table V), attempts to extend his results geographically to include the whole of Scotland and chronologically to embrace the whole of the period up

(54) BR, Edin., Valuation Roll for the Annuity Tax, 1634-6.

to the Restoration; it also includes inventories as well as totals (55).

TABLE V

Average inventories and totals of testaments recorded during decades shown

<u>Decade</u>	<u>Inventories</u>		<u>Totals</u>		<u>Ratio</u>
	<u>Instances</u>	<u>Average</u>	<u>Instances</u>	<u>Average</u>	<u>Inv/Total</u>
1610-19	31	381	32	1949	1/5.1
1620-29	46	481	50	2373	1/4.9
1630-39	50	472	53	1475	1/3.1
1640-49	37	648	38	3330	1/5.3
1650-59	65	457	75	3413	1/7.5

It would appear that the dip of the thirties was much less severe in the case of inventories than it was in the totals and that the upward trend of the totals was resumed in the forties and maintained in the fifties. It seems quite likely that the dip of the thirties can be explained by a drop in the value of the victual component of the stipend. The fiars prices for Fife suggest that the average price of bere during the twenties was £7.73 Scots per boll. In the period 1630-1 to 1634-5, the price fell to £7.14 and in 1635-6 to 1639-40 to £6.49. Prices recovered slowly in the forties, when the equivalent

(55) Records of Testaments, all surviving records for the period in question.

figures were £6.8 and, largely as a result of the very high prices obtaining in 1648-9 and 1649-50, £8.48. Two more abnormal years in the early fifties produced the even higher average of £8.87 for the first half of the next decade; but the trend was downward and the five years leading up to the Restoration found prices roughly at the level of the early thirties. It might be added that the prices of oats in Fife and of both crops in East Lothian and Midlothian show a rather similar trend. In all these cases, prices were low during the thirties and very high from 1648-9 to 1650-52 (56).

It seems to follow inescapably from this that the many stipends which included a large victual component dropped in value during the thirties at the very time when the augmentation commissioners were striving to increase them. A minister had a vested interest, if not in famine, at least in a poor harvest. The rather meagre totals from testaments recorded during the thirties - by and large a decade of abundance - may well reflect this, the more so since the inventories, which largely describe the domestic establishment of the minister concerned, seem to have remained more or less intact. The ministers, who had been reasonably prosperous even before their stipends

(56) H. Arnot, History of Edinburgh, Ed. 1818, Appendix (Midlothian); Sinclair, View of Agriculture in East Lothian (East Lothian). Fife Sheriff Court Records.

had been augmented, merely reduced their investments.

It is difficult to avoid the conclusion, despite the absence of any positive evidence to support it, that there was some connection between the relative decline in the real incomes of the ministers and their involvement in the upheavals of the late thirties. The timing is right and the coincidence remarkable. It is a reasonable inference, though nothing more, that the ministers, not for the first time or the last, were somewhat disgruntled about money and it is fair to argue that they were, despite the augmentations, conditioned to revolt.

But, for the most part, the seventeenth century minister was always among the more prosperous members of his own local community. He did not need more money; indeed he was incapable of spending the money he had; his inventory was always a small proportion of his total wealth (see TABLE V). And yet he always wanted more and he was remarkably successful at getting it. He was something of a paradox and it is tempting to jump to the irrelevant conclusion that he was a miser. No doubt he sometimes was, but this is trivial. He was a member of a professional order which was as contemptuous of individual glory as it was obsessed with its own collective strength. The augmentation of a stipend would benefit the minister himself, but it would also benefit his successors. It would contribute to the wealth - and thus the power - of a young and revolutionary church which had to fight institutions

with the weight of the centuries behind them. The church was concerned to buy prestige.

CHAPTER FIVE

THE ORIGINS OF MINISTERS

Robert Pont, Minister of St. Cuthberts, Commissioner of Moray and planter of kirks in Orkney, was one of the pioneers of the Scottish Reformation; he was also a Senator of the College of Justice and Provost of Trinity College in Edinburgh. He contrived to be a parish minister, a Judge in a civil court and a titular of teinds at the same time. He skipped from church to state, and incidentally from Melville to King James, with an agility that his successors of the seventeenth century must reluctantly have admired (1).

The experience of Andrew Murray, minister of Abdie in Fife from 1622 to 1644, was subtly different. He was the second son of a proprietor and a grandson of the first Viscount Stormont. His expectations had originally been modest and he chose a career in the ministry. He graduated at St. Andrews in 1618 and was presented by his grandfather to the living of Abdie four years later. This

(1) All the biographical material presented in the tables and the text of this chapter has, unless otherwise stated, been extracted from the Fasti Ecclesiae Scoticae, 8 vols., 1915-50, passim. Hew Scott's earlier version of the Fasti has also been used. I am most grateful to Mrs. V. Eaves-Walton for lending me her copies of the Fasti.

was perhaps ordinary enough, but his expectations suddenly improved a few years later. The terms of a rather complicated entail gave him part of the inheritance of Scone on the death of his grandfather and a further instalment on the death of his cousin, the second Viscount. In 1641 he was elevated to the peerage as Lord Balvaird in recognition of his services to Hamilton during the opening stages of the Glasgow Assembly (2). The minister of Abdie found himself in possession of three baronies, including the large barony of Stormont, and the teinds of Blairgowrie, Logierait and Redgorton; he may also have become the patron of his own living. He was a Lord of Parliament, a Lord of Erection and a Titular of Teinds.

All this seems to have passed without comment, for the church of the Covenant was a more tolerant body than has sometimes been supposed; but in 1643, he chose to attend the Convention of Estates and immediately aroused the ire of the general assembly. It was argued that he had "deserted his ministry ... to voice as a Lord" and he was, in company with another minister who had "conquished" a lairdship and used it to participate in a shire election, threatened with deposition if he should persist in his

(2) Sir James Balfour Paul, The Scots Peerage, vol. viii, pp. 193-4.

defection (3). The issue was not pressed to a conclusion, since Balvaird himself resolved it by dying in the following year, but the assembly made its point unequivocally enough.

Andrew Murray was an oddity and indeed an accident; he would hardly have been a minister if he had known that he would eventually become a magnate. But his immediate ancestry, as the younger son of a laird of modest estate, was less unusual. Alexander Henderson was probably the son of a feuwar in Fife and a connection, perhaps fairly remote, of the Hendersons of Fordel. Robert Douglas, who succeeded to his throne, sprang, equally indirectly and incidentally illegitimately, from the Douglasses of Lochleven. Robert Baillie's descent took him back through a Glasgow merchant to the Baillies of Carphin, themselves a cadet branch of the Baillies of the ancient house of Lamington (4). David Dickson was the son, and less usually, the heir of another, and probably more prosperous, Glasgow merchant who acquired a small estate in the neighbourhood of the burgh. On the other hand, George and Patrick Gillespie were respectively the second and third sons of the only less radical John Gillespie, minister of Kirkcaldy until his death in

(3) BLJ, II, p. 91.

(4) BLJ, III, App., pp. xxi-xxii.

1627. Samuel Rutherford, radical intellectual, Professor of Divinity at St. Andrews and later Principal of St. Marys, was probably the son of a tenant-farmer in the Border parish of Crailing. But, if the theorist of the radicals was the son of a landless peasant, James Guthrie their leader and martyr, sprang from a family of small proprietors in Angus. The leading ministers of the sixteen forties, radical and moderate alike, were evidently a mixed bunch. It is reasonable to ask whether they were typical of the ministry as a whole and it is fortunate that the industry of Hew Scott and his continuators has facilitated the search for at least the skeleton of an answer.

Table One attempts, not altogether successfully, to generalise on the basis of a cross-section cut through the whole of the church as it was in 1648. It seeks to divide the 838 ministers, then serving either in parishes or universities, into categories according to the occupation or status of their fathers, insofar as these are known.

The Fasti sufficiently discloses the family backgrounds of only 426 ministers - or just over half of the total - and the conclusions which follow are plainly at the mercy of the accidents of survival and indeed of the varying determinations of the numerous researchers concerned. Thus the proportion of ministers of known origin varies widely from presbytery to presbytery,

though the general regional spread is remarkably consistent. The proportion of "known" ministers was about the same in the northern half of Scotland as it was in the south. It is no less fortunate that the

TABLE I

The Origins of the Ministers of the Church of Scotland, 1648

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
(a) <u>South of Tay</u>							
number of ministers	155	37	70	21	(283)	272	555
% age of all ministers	28	6	13	4	(51)	49	100
% age of "known" ministers	55	12	25	7	99		
(b) <u>North of Tay</u>							
number of ministers	74	17	42	10	(143)	141	283
% age of all ministers	26	6	15	3	(50)	50	100
% age of "known" ministers	52	12	30	7	101		
(c) <u>Scotland</u>							
number of ministers	229	54	112	31	(426)	412	838
% age of all ministers	27	6	13	4	(51)	49	100
% age of "known" ministers	55	12	26	7	100		
(d) <u>Scotland, "Known" Presbyteries only*</u>							
number of ministers	155	32	72	17	(276)	162	438
% age of "known" ministers	56	12	26	6	100		

n.b. The presbyteries of Perth and Dunkeld, which straddle the Tay, are included with the presbyteries south of the Tay.

*Presbyteries in which more than half of the fathers have been identified.

<u>Column 1</u>	Sons of ministers.
<u>Column 2</u>	Sons of burgesses
<u>Column 3</u>	Sons of landed proprietors
<u>Column 4</u>	Sons of other identified fathers
<u>Column 5</u>	Sons of all identified fathers
<u>Column 6</u>	Sons of unidentified fathers
<u>Column 7</u>	All ministers

proportion of ministers in the main sub-categories remains more or less the same if the enquiry is limited to those presbyteries in which the origins of more than half of the ministers are known (see Table I (d)) These similarities are reassuring; but it is obvious enough that the results have no statistical validity. The conclusions drawn below must be treated with some reserve.

The largest single element among the "known" ministers of 1648 were the sons of other and earlier ministers. It must surely be significant that all four of the sections in Table I suggest a proportion of from 52% to 57%, or rather more than half, of the sample concerned. It is tempting to suggest that the reformed church was binding itself to the hereditary principle almost as tightly as had the feudal system itself. Indeed this dynastic tendency was not new. The story of the multiplying progeny of John Row, the Reformer, will perhaps stand one more telling. His marriage to the second daughter of Beaton of Balfour was ordinary enough. It produced nine sons and two daughters and this too was

not unusual. But the five surviving sons all became parish ministers, while one of the two daughters married Robert Rynd, minister of Longforgan, who was the son of one minister and the father of another. The five sons fathered six more ministers between them and the story did not end there. Altogether, at least seven direct descendants of the Reformer held livings in the church of Scotland at some time during the 1640s. They varied in quality from John, minister of Carnock and the author of a famous history of the church, to James, minister of Muthill and later Monzievaird, who disgraced a distinguished family by perpetrating the Pockmanty sermon and then compromised it through a tactless, if temporary, association with Montrose.

William Row, another grandson, had followed his father in the pulpit of Forgardenny and this, at least in the less fashionable parishes, was almost commonplace. The twenty rural parishes of the presbytery of Perth yielded eight instances in which either father or son held office during the forties and the nineteen rural parishes of the presbytery of Dunkeld a further eight. In Little Dunkeld, the sequence repeated itself a second time: William Glas was succeeded in 1629 by his son, William secundus, who was, in his turn, followed in 1647 by a grandson, Thomas. But Little Dunkeld was outdone by St. Martins. Thomas Strachan, formerly a conventual brother in the nearby abbey of Scone, was

presented to the vicarage of St. Martins in 1568. He was succeeded by his son who was still minister in 1643 when Thomas, son of John and grandson of the first Thomas, was admitted as colleague. The grandson, surviving civil war and restoration alike, went on until his death in 1671, when another grandson Patrick, a regent in the University of St. Andrews, was recalled to replace him. The death of Patrick in 1678 was untimely. Thomas, son of the second Thomas and great grandson of the first, was too young and did not succeed his uncle until 1682; he stayed until William of Orange broke the spell. It would almost be true to say that four generations of the same family served the congregation of St. Martins from the Reformation to the Revolution.

This dynastic tendency, or at least the appearance of it, was becoming more marked with the passage of time. A recent enquiry, embracing all the ministers officiating in the church from 1616 to 1638, has disclosed the fact that 218, or 17% of the 1,232 ministers involved, were the sons of clerical fathers (5) and this compares with 27% of all the ministers involved in the cross-section

(5) A. B. Birchler, The Influence of the Scottish Clergy on Politics; unpublished Ph.D. Thesis, University of Nebraska, 1966.

of 1648. The difference is too substantial to be dismissed as accidental and its reality is confirmed by a survey extending from 1600 to 1659 but confined within the narrower bounds of the Synod of Glasgow and Ayr (see Table II). The ratio of ministers' sons

TABLE TWO

Origins of Ministers in the Synod of Glasgow and Ayr,
1600-59

<u>Admitted to First Parish</u>	<u>Sons of Ministers</u>	<u>Sons of Identified Fathers</u>
1600-19	6	33
1620-39	14	35
1640-59	28	66

to the sons of known fathers rose from about one in five or six at the beginning of the century to nearly one in two in its middle. Nor is this really surprising. The later years of James VI had witnessed a great expansion of the ministry (6); by 1620, temporary vacancies apart, almost all the parishes of Lowland Scotland had their ministers. In the twenties their sons began to replace them; in mid-century, as they died or were deprived, the trickle became a flood. The clerical élite was beginning to perpetuate itself.

The tendency was plainly real and it was obviously important, but its extent should not be exaggerated.

(6) G. Donaldson, The Scottish Reformation, 1960, p. 95.

The sons of ministers may have represented over half of the ministers of known origin, but this was only a quarter of the ministry as a whole; and the wide variety of backgrounds of the leading ministers virtually denies that it was of universal application. Indeed a quarter of the identified ministers are known to have been the sons of landed proprietors, while a further eighth were of burgess stock. A smaller proportion - only 29 in all - were of known but miscellaneous origin. Nine of these, including Samuel Rutherford and his brother, were the sons of either tenant farmers or agriculturalists of approximately equal status. A further twelve were drawn from the professional classes; their fathers included three advocates, a writer, two notaries, the commissary of Hamilton and the sheriff clerk of Banff as well as three doctors of medicine and the master of the grammar school at Dunfermline.

The exceptional cases are clear enough, but the broader categories are too vaguely defined to be useful. The term landed proprietor covered everybody from a small feuar to a great Duke; an urban craftsman might have been anyone from a baxter in Burntisland to George Heriot of Edinburgh and the court of King James; a merchant might have been anybody from a small shopkeeper to Sir William Dick of Braid. Such distinctions are not easily drawn and, particularly among the burgesses, it is often impossible to draw them. The ministers who were sons of

landowners include the son - but only the natural son - of the Earl of Tullibardine whose rents in Perthshire were valued at nearly £12,000 per year in 1649 (7); John Murray, minister of Trinity Gask, was conceived out of wedlock and lived out of context; he was the only nobleman's son in the church in 1648. Andrew Ramsay was the son, but not the heir, of Sir David Ramsay of Balmain, who held a substantial estate in liberam baroniam and was shire commissioner for Kincardine in 1609. But Ramsay too was unusual, for there were only six other sons of shire commissioners among the 110 ministers concerned, though 19 more came from families which subsequently produced a county member. Thus William Adair, who became minister of Ayr in 1646 and participated in the Mauchline rising two years later, was the younger brother of Sir Robert Adair of Kinhilt, commissioner for Wigtownshire from 1639 to 1641 and from 1649 to 1650. The heritable jurisdictions are less easily identified, but it is surely significant that only 20 out of the 112 landed fathers have definitely been shown to have held a barony or a regality. The true figure is almost certainly somewhat larger, but probably not by very much. Only a few of the ministers of the middle seventeenth century were drawn from the feudal

(7) Rental of Perthshire, 1649 contrasted with 1835, 1835 passim.

classes. Furthermore, only one of the sons of tenants-in-chief was his father's heir. William Fullarton, minister of St. Quivox in the presbytery of Ayr, was the eldest surviving son of James Fullarton of that ilk, the commissioner for Ayrshire in 1643-4 and 1648. He would inherit the barony of Corsbie-Fullarton after the Restoration. But this was an unusual case; the link with the heritable jurisdictions was slender indeed (8).

If the enquiry is extended from the magnates to the landed class as a whole, it appears that only 13 of the 110 ministers were the heirs to their fathers' estates. The rest were, as far as one can tell, younger sons with no expectations of an inheritance. Only a few of them, as we have seen, were the sons of men of power and it is equally unlikely that many of them were really wealthy. Accurate generalisation is impossible, since the necessary valuation material is not universally available; but a

(8) The proprietors concerned have been identified from the Retours; from RMS, vols. viii, ix, x; and from the unpublished History of Parliament. I am most grateful to Mr. John Imrie, Keeper of the Records of Scotland, and to Professor Gordon Donaldson for allowing me to use the History in advance of publication. Statistics of landed income have been taken from the earliest available Valuation Roll for the shire concerned.

reduction of the scale, from the whole of Scotland to the adjacent shires of Perth and Stirling, sharpens the focus. Only three of the eighteen proprietors on the list - Tullibardine (with lands, valued at nearly £12,000 annually), Rollock of Duncrub (£4,000) and Oliphant of Gask (£2,300) - had really large estates. On the other hand, at least eight had small estates worth less than £500 annually. The average estate was worth £1,500, but the figure is distorted by the inclusion of one exceptionally large estate belonging to the only nobleman in Scotland to have fathered a minister. If Tullibardine is excluded, the average falls below £800; if Duncrub and Gask are similarly excluded, it falls to £370 - a good deal less than the stipend of a typical minister. Furthermore, at least nine of the eighteen proprietors were feuars; only two - Tullibardine and Duncrub - themselves sat in Parliament, though two others had descendants who did so. In any event, none of these designed their heirs for the church. John Murray, as we have seen, was the bastard son of Tullibardine; his namesake, the minister of Strathmiglo in Fife, was the son, but a younger son, of Murray of Ochtertyre; Andrew Rollock, minister of Duns, was the son, but not the heir, of a wealthy laird who was subsequently enobled. Indeed, only three of the eighteen were certainly heirs, and these to medium rather than large estates. (9).

The ministers who sprang from a landed background

(9) See notes (7) and (8).

were drawn, more or less haphazardly, from the entire range of the landed class - indeed it is arguable that their fathers approximately represented a random sample from it. In the meantime, the virtual absence of noblemen's sons is striking; the relative absence of shire commissioners, or indeed of magnates of any kind, is only less so. It would plainly be absurd to claim that the "landed" minister transmitted the values of feudal Scotland into the church; this is at best a half-truth and at worst actively misleading. It might as easily, and as convincingly, be argued that they represented those - the feuwar and, in a different way, the younger son - who had most reason to resent them.

Fifty-four - or about 12% - of the ministers of known origin came from burghess stock. Two of these were from the burghs of regality of Musselburgh and Canongate, both of which were small towns; but fifty-one of the remaining fifty-two can definitely be attributed to one or other of the royal burghs, great or small. Nearly four-fifths of these were reared in one of the six large burghs of Edinburgh, Dundee, Aberdeen, Perth, Glasgow and St. Andrews, which probably included about two-thirds of the urban population of Scotland. Edinburgh, with nine, was by far the largest without being the most prolific. Glasgow contributed eleven, Aberdeen seven, Dundee six, and St. Andrews, which was somewhat smaller, four. The rest were scattered among the many small burghs, none of

which begat more than one with the odd exception of the purely nominal royal burgh of Newburgh in Fife. It may be significant that the four university towns yielded a total of thirty-one ministers.

These figures should perhaps be seen in context. At the turn of the century, the burghess community of Edinburgh consisted of rather more than a thousand individuals - who produced nine^{among} ministers ~~between~~ them. Dundee, with three or four hundred; Aberdeen, with rather less than three hundred; Perth, with rather more than two hundred; Glasgow, with rather less than two hundred; and St. Andrews, with about one hundred; added about a thousand more (10). Two thousand burgesses had thirty-four ministers among their sons. The proportion of ministers was, with the exception of Glasgow, very small indeed.

It is tempting nevertheless to place the burghess fathers in their own urban society. Six of the forty-four were magistrates, though one was merely Bailie of Newburgh; one was a convener of trades in Glasgow; another was the deacon of his incorporation; yet another was a craft member of the Town Council of Edinburgh. Ten, including some of those already mentioned, represented their burghs in the Convention of Royal Burghs or in

(10) BR, Edin., Extent Roll, 1605; Records of the Convention of Royal Burghs, vol. II, p. 562.

Parliament (11). Altogether thirteen, out of a total of fifty-one, can reasonably be regarded as members of their own burgh oligarchies. The rest were at least relatively obscure.

Wealth is less easily assessed. The fifty-one are known to have included twenty merchants, two maltmen, a vintner, two sea captains and fourteen craftsmen. These last, in their turn, included a goldsmith, four hammermen of one kind or another, three tailors, three baxters, two litsters, a glazier, a wright, a cooper and a cordiner. It is reasonable to assume that some of the merchants - like John Dickson who bought the estate of Busby - perhaps the goldsmith and one or two of the tailors or the hammermen - were prosperous or at least more prosperous than the rest of the craftsmen. But this is hopelessly vague and Edinburgh, with its wealth of surviving tax material, offers the hope of precision. Eight of the nine Edinburgh fathers appear in the tax rolls of the burgh, though one only by proxy in the person of his widow. The remaining seven included four merchants, two of whom were members of the burgh oligarchy, two tailors and another variously described as a vintner, a tapster

(11) Members of Parliament have been identified from the History of Parliament (see note 8); Commissioners to the Convention have been identified from Records of the Convention of Royal Burghs, vols. II and III.

or an ale seller. The two oligarchs made tax payments substantially above the average for the years in which they appeared. The other two merchants paid rather less than the average, while the two tailors paid markedly less. William Dickson, who kept a tavern and became a burgess rather late in life in 1627, paid £2 towards the extent of 1627, about a fifth of the average.

William Dick, who was almost his namesake, resembled him in nothing else; he paid £333 - and none of his sons were ministers (12).

The burgess fathers included one or two men of consequence. David Aikenhead, father of the minister of North Berwick, would later become Lord Provost of Edinburgh. The father of John Adamson, Principal of Edinburgh University, was a merchant from Perth who became its Provost and its commissioner to Convention and Parliament. William Chalmer, minister of Boyndie in the presbytery of Fordyce, was the second son of Alexander Chalmer of Cults, an Aberdeen merchant who prospered sufficiently to buy an estate and become its Provost. One or two of the other fathers also purchased estates. David Dickson was, as we have seen, the heir of John Dickson of Busby. Robert Blair was the son of John Blair of Windyedge, a merchant in Irvine; but he was

(12) BR, Edin., Extent Rolls, 1587, 1605, 1608, 1615.

the sixth son and this was an important distinction. Only a few of the ministers of burgess stock are known to have been their fathers' heirs; Blair was more typical than Dickson.

The burgess community of a large burgh embraced a vast range of men. At the apex of the pyramid was the merchant prince who was at once a trader, a banker and a financier. Beneath him was a larger number of merchants engaged in foreign trade and of craftsmen who had become employers of labour. Beneath them again were a multitude of shopkeepers and craftsmen, each running a small business of his own. The merchant prince, like the Nobleman, seldom sent his son into the church. Most of the urban ministers came from the other two layers.

These various calculations relate only to about half of the ministry as it was in 1648. A rigorous search, concentrated on areas - like Dumfriesshire and Galloway - in which the proportion of unidentified fathers seems unduly large, would probably discover a few more; but it seems unlikely that further research will significantly reduce the gap. The sources have, for the most part, already been minutely searched and found wanting. And yet one half of the cross section is virtually useless without the other. Speculation is inevitable.

It is unlikely that any nobleman's son - or indeed many sons of substantial lairds - remain untraced. If

the sons of the magnates were only a small fraction of the "known" ministers, they were an even smaller fraction of the ministry as a whole and the same is probably, though not quite so certainly, true of the sons of the wealthier burgesses. Only about five per cent of the ministers came from a wealthy background. Equally it seems reasonable to assume that few of the sons of ministers have escaped the attention of successive waves of research directed to the accumulation of biographical detail about ministers and their families. This category accounted for over half of the "known" sample and it seems very unlikely that they made up more than a third of the total; the true figure was probably about thirty per cent. The upper ranks of the legal profession have been studied almost as intensively as the ministry itself (13) and it is again improbable that many of their sons have escaped the attention of the authors of the Fasti; the minister was only exceptionally the son of an advocate or a writer to the signet. The possibility remains that some of them were the sons of writers; but, by and large, this

(13) G. Brunton and D. Haig, Historical Account of the Senators of the College of Justice, 1832; The Faculty of Advocates in Scotland, 1532-1943. (SRS, Part 145, 1944); The Society of Writers to His Majesty's Signet, 1936.

seems unlikely. There are very few writers among the "known" sample; it was equally unusual for ministers to marry writers or to apprentice their sons to writers. It is indeed one of the more remarkable features of the evidence that there was virtually no contact between minister and lawyer; church and state kept their Melvillian distance.

These three categories - the sons of the wealthy, of the lawyers and of the ministers themselves - combine to account for about thirty-five per cent of the ministers. It is known that a further fifteen per cent were the sons of smaller landowners, smaller burgesses and tenant farmers; it is natural to assume that most of the remainder - that is of the sons of unidentified fathers - came from a similar background and there is a good deal of indirect evidence to show that this was so. Andrew Donaldson, the radical minister of Dalgetty, is known to have been born in Perth, though his parentage remains obscure. Robert Edwards, minister of Murroes, was the son of an indweller, again of unknown occupation, in Dundee. It seems quite probable that both belonged to the lower tier of the burgess community and reasonably certain that their status was no higher than this. Again Colin Adam, minister of Anstruther Easter and an active member of the Commission of the General Assembly in 1648, is known to have been the brother of a Patrick Adam in Auchleish. Patrick was almost certainly a farmer who had taken over the tenancy of Auchleish on

the death of his father; Colin was probably a younger brother who had lived on the farm until he left for St. Andrews. William Bell, minister of Dron in the presbytery of Perth, is known to have been born in the same parish. Nothing is known of his father beyond the probability that he was not a heritor; he too was probably a tenant farmer, though it is just possible that he was merely a cottar. James Mercer, minister of Clunie in the lowland part of the presbytery of Dunkeld, is thought to have been of the Clevage family. The laird of Clevage must have been a proprietor, but the unknown father of James Mercer quite probably was not. As the younger son of a younger son, he was probably a tenant farmer or, just possibly, a feuar. Such examples could be multiplied; it is sufficiently clear that a substantial proportion of the ministry were the sons of farmers.

The case of Alexander Henderson presents a different order of difficulty. The search for his forefathers has been as intensive as it has been prolonged (14), but it has uncovered only two firm facts, - both, unfortunately, relating to his death rather than his birth. He was

(14) John Aiton, The Life and Times of Alexander Henderson, 1836, pp. 85-89; R. L. Orr, Alexander Henderson, Churchman and Statesman, 1920, p. 3; J. P. Thomson, Alexander Henderson the Covenanter, 1912, p. 15; DNB.

buried in a vault belonging to the Hendersons of Fordel; in his will, he endowed a school in the farmtoun of Luthrie in the parish of Creich. It has been inferred that he was born into a cadet branch of the family of Fordel and this may well be true. It has also been surmised that he was brought up in Luthrie - and this is not entirely implausible, since no other connection has been established. If this is so - and it may not be - it is possible to go further. The farmtoun of Luthrie in the Lordship of Fife had been sub-divided and feued during the first half of the sixteenth century (15). One of its parts was held at the turn of the century by Seaton of Parbroath who had a substantial estate in the same parish. In 1601, Seaton sold his portion of Luthrie to David Henderson, the tenant who had previously occupied and presumably worked it. It is evident enough that he could have been the father of Alexander Henderson who had probably been born in 1583. The estate involved was small, a mere sixteenth of lands that would later be valued for tax purposes at just over £1,000 per year (16). Alexander Henderson could modestly claim to have bettered himself.

(15) Exchequer Rolls, vols. xiv., xv.

(16) RMS. vol. vi, 1182; Valuation Roll, Fife, 1695, 1697, Parish of Creich.

It is possible to sketch in the career of a typical minister of the sixteen-forties. He was born at about the turn of the century, the son of another minister, the proprietor of a small estate, a tenant farmer or a lesser burghess. The son of the manse was presumably educated by his father; a merchant or craftsman would send his son to the burgh school. The farmer's son might well have been less fortunate, for parish schools - to judge from the scattered evidence of the teind surveys of 1627 - were still relatively rare (17). Henderson's bequest must surely have reflected his own early struggles. By one route or another, the typical - if mythical - minister contrived to prepare himself for a University which he entered at the age of sixteen. He graduated Master of Arts four years later and then completed his formal education with a post-graduate course in theology. The ministers were, above all else, educated men; if due allowance is made for the fallibility of seventeenth century registers, at least nine ministers out of ten must have been graduates. But the process of preparation was still far from complete. The minister must now attach himself to a presbytery as an expectant. Here he would attend the exercise - an

(17) Reports on the Parishes in Scotland, Maitland Club,

1836, passim. Recent research suggests that parish schools were more common than has usually been assumed, but it is probably still true that schools were more common in towns than in the countryside.

educative process in itself - supply vacant pulpits, and act as a schoolmaster until such time as a parish could be found for him. The interval between graduation and admission was - to judge from the experience of the ministers of the Synod of Glasgow and Ayr - usually six or seven years, but it is interesting that it was longer during the thirties when the church had ceased to expand. It is reasonable to infer that competition was fiercer at this time than it had previously been. If this was so, the ministers had found another grievance. Our hypothetical minister was thus admitted to his first parish - and fairly often his last - in his late twenties. He would serve it, usually with a dedication which the old order could never hope to match, for rather less than thirty years. He would die, lamenting Cromwell and vainly trying to ignore the schism which had torn his church in two, at the age of fifty five. He had spent his working life as the missionary of an intellectual élite in a rural outpost which was at best half literate. It was a lonely life.

The leading ministers of the 1640s were, of course, less isolated; but their origins were strikingly similar. The "active" group of the Commission of the General Assembly in 1648 consisted, as we have seen, of thirty-seven ministers (18) and the origins of twenty-four of

(18) RCGA, I-III, passim.

these - about two-thirds of the whole - are known with some degree of certainty (see Table III).

TABLE III

The Origins of the "Active" Group in the Ministry, 1648

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>(a) "Active" Group</u>							
number of ministers	11	9	2	2	(24)	13	37
% age of all ministers	30	24	5	5	(65)	35	100
% age of "known" ministers	46	38	8	8	100		
<u>(b) All Ministers</u>							
number of ministers	229	54	112	31	(426)	412	838
% age of all ministers	27	6	13	4	(51)	49	100
% age of "known" ministers	55	12	26	7	100		
<u>column 1</u>	Sons of ministers						
<u>column 2</u>	Sons of burgesses						
<u>column 3</u>	Sons of landed proprietors						
<u>column 4</u>	Sons of other identified fathers						
<u>column 5</u>	Sons of all identified fathers						
<u>column 6</u>	Sons of unidentified fathers						
<u>column 7</u>	All ministers						

The sample is small and the conclusions are thus uncertain, but two points stand out. The proportion of sons of landed proprietors was much smaller than it was in the church as a whole; it was indeed only a third as great. By contrast, the ministers of burgess stock were much more prominent. The leading ministers, as distinct from the average minister, were much more likely to have

come from an urban background. But these bare figures, relating as they do to broad categories, contrive to obscure the main issue. The two landed proprietors, one of whom was the father of James Guthrie, were almost certainly feuars and fairly small feuars at that; neither was valued at more than £500 per year for tax purposes. The burgess fathers have an only slightly different story to tell. The "active" ministers included David Dickson and John Adamson, Principal of the University of Edinburgh. The one was the son of a merchant who was probably wealthy by the standards of a medium sized burgh; the other was the son of the Provost of Perth, a burgh of about the same size. But Adamson and Dickson were exceptions. The other seven were at best of local significance. George Hamilton was the son of a bailie - but merely the Bailie of Anstruther Easter. Patrick Schiel and George Gladstones were the sons of craftsmen in Glasgow and Aberdeen respectively. Bartholomew Fleming, father of James, a minister of Edinburgh, was a merchant in the capital with tax liabilities rather less than average (19) and no links with the burgh oligarchy. The remaining two - the fathers of Robert Baillie and James Hamilton - were notable only for their sons.

Two of the "active" ministers - Samuel Rutherford and Mungo Law - were the sons of tenant farmers and it is

(19) BR, Edin., Extent Rolls, 1615, 1627, 1628.

likely that several of the unidentified, or only partially identified, fathers were of similar status. Colin Adam, as we have seen, was the brother, and probably the son, of a farmer. James Nasmith - the radical who so tactlessly pursued the teinds in the Assembly of 1649 - belonged, on exactly the same sort of evidence, in exactly the same category. Zachary Boyd boasted a connection with the family of Pinkhill, but he was probably the son of a farmer or a feuar.

Robert Douglas, perpetual moderator of the Commission and the greatest of them all, was the son of a natural son of Douglas of Lochleven. Two more were probably the sons of townsmen outwith the burgh community. Andrew Cant - "some men are born, if not to raise, yet continually to live in a fire" (20) - is said to have been a native of Aberdeen; at least he roasted on his own spit.

John Nevay, the wildest of the Whiggamores, was probably his nephew. The ancestry of the rest - seven in all - is totally unknown and likely to remain so. But one point stands out clearly enough; not one of them was even a minor magnate.

There might in happier circumstances have been one exception, Andrew Ramsay, an ardent Engager who normally appeared regularly, was prevented from attending the later sessions of the Commission. He was the son of

(20) BLJ, III, p. 62.

David Ramsay, holder of the Barony of Balmain with lands valued at nearly £2,000 annually, and the progenitor of a long line of shire commissioners. It is tempting to jump to the conclusion that the ministers supporting the Engagement were a more aristocratic group than the ministry as a whole. It is indeed true that four of their fathers had large estates worth more than £1,000 per year, but four is not very many out of a total of seventy-eight and a "known" total of forty-five. It is worth adding that the sixty-seven fathers of Protesters, thirty-six of whom were "known", included two wealthy proprietors. The seven ministers who directed the Mauchline Rising included four whose origins were known, two whose origins can be inferred and one - Thomas Wylie - who is totally unknown. Five of the six were reared on a landed estate, while the sixth - their leader John Nevay - came from an unidentified background in, or at least near, Aberdeen. Four of the other five were the sons of landowners, while the sixth - John Blair - resided, and was presumably brought up, in the household of the Laird of Blair. Three of the four - Matthew Mowatt, Gabriel Maxwell and William Guthrie - were almost certainly the sons of small proprietors, though the last was his father's heir; but the sixth - William Adair - was a younger son of William Adair of Kinhilt, who had large estates in Galloway and Ulster,

and a brother of the shire commissioner for Wigtownshire. Nevay himself may have come from the lower orders of Aberdeen, but the rest certainly came from an obtrusively rural background in the south west. A rather similar trend is observable among the Protesters as a whole. The "known" Protesters did not include a single minister of burgess stock. The privy kirk found an echo in the sunless closes of Edinburgh; but it was also, and perhaps pre-eminently, the revenge of the countryside over the town.

But the differences dividing Engagers from Protesters, or either group from the ministry as a whole, or indeed the whole from its active nucleus, are less important than the similarities uniting them all. It is arguable that the ministry as it was in 1648 was drawn from a random sample of Scottish society from the magnate down to the tenant farmer. The sons of magnates or merchant princes were extremely rare - but magnates and merchant princes were themselves extremely rare. The ministers of the period may well have entered the church for a variety of reasons quite unrelated to their social origins. But even if this were so - and it was not entirely so - the main point would still remain. The fathers of the ministers, and especially those of the leading ministers, lived and modestly prospered in a whole series of different settings; but they had no place in the power structure of feudal Scotland. They had only their own obscurity and the fame of their sons in common.

CHAPTER SIXTHE ELDER WHO RULES

John Calvin maintained that "courts of judgment" had been established in the church "from the beginning". As the founder of a revolutionary church, he naturally drew inspiration and example from a period when Christianity itself had been a new force in a hostile world. Had not Paul left Titus in Crete to "ordain elders in every city"? A revolutionary church, whether of the first century or the sixteenth, must organise and rule itself. It needed not only pastors who would preach and doctors who would train them; but also elders for its government and deacons to arrange its revenues. Calvin was always careful to deny any intention to subvert the civil power; but he foresaw a system of government erected on its own separate foundations and capable of standing independently upon them. Ideally the elder would be a bureaucrat totally absorbed in the business of church government and it followed inescapably from this that he should - in an ideal church - be paid. He construed a famous passage in Paul's epistle to Timothy - "let the elders who rule well be considered worthy of a double honour" - to refer not only to the "reverence due to them", but also to the "remuneration to which their ministry entitles them" (1).

(1) J. Calvin, Institutes of the Christian Religion, 2.8.35, 4.11. 1-2; I, Timothy, V, 17; Titus, I, 4.

Neither Calvin nor Knox operated in an entirely hostile world and both were willing to work with the civil power when it seemed friendly. Indeed, Knox's first appeal had been to the "Lords and Barons professing Christ Jesus" and the success of this appeal led to the creation of a church in which the inferior magistrate, and later the Godly Prince, was a powerful force. In these circumstances a clerical bureaucracy was as unnecessary as it was impossible. For the patrimony of the church, teind and temporality alike, was already the property of the magistrates, including those whom it was least politic to offend. Knox necessarily settled for a church without property in which the clerical elder could have no place. The First Book of Discipline was specific enough: "We think it not necessary that any public stipend shall be appointed ... to the elders ... because they are not so occupied with the affairs of the church, but that reasonably they may attend upon their domestic business"(2). The elder would be first and foremost a farmer or a rentier, a feuar or a baron, a merchant or a craftsman, who happened to possess a strong moral sense and a sound grasp of protestant doctrine. The eldership, as it originally appeared, was created in the image of society as a whole.

(2) J. Knox, History of the Reformation (Ed. W. C. Dickinson), II, p. 312; First Book of Discipline.

The early reformers seem to have been aware of the dangers inherent in their system. The election of elders was to be an annual event "lest by long continuance of such offices men presume upon the liberty of the kirk" (3). If the elder was not to be an indoctrinated bureaucrat, he should be changed as often as possible lest he seize control of the kirk session from its only indoctrinated member, the minister himself.

The electoral process was fundamental and Knox has left an eloquent account of its beginnings in Edinburgh. In the innocent days of the privy kirk, the congregation, then a purely voluntary association, had elected "some to occupy the supreme place of exhortation and reading, some to be elders and helpers unto them for the oversight of the flock and some to be deacons for the collection of alms to be distributed to the poor". The intended ascendancy of the exhorter or reader, who would later develop into the professional minister, is noteworthy. As the privy kirk grew into a public kirk, the best of his entourage were selected as the official elders and deacons of a kirk session which now had at least a nominal authority over the entire population of the burgh. These held office for a year and more and were then authorised to nominate double their number as a leet from which their successors would be chosen. The congregation,

(3) Ibid. pp. 305, 309-12.

"to the end that no man ... should complain that he was spoiled in his liberty in election", was then granted the opportunity to object and to name substitutes of its own choosing. On the following Sunday, "the whole communicants (were) then commanded to be present ... to give their votes as they (would) answer before God, to such as they esteem most able to bear the charge of the kirk with the ministers". Those gaining the greatest number of votes, "without respect of persons", were to have "the first place in the eldership" and "so proceeding until the number ... be complete". And, Knox continued, "if a poor man exceed a rich man in votes, he precedes him in place" (4).

There is some corroborating evidence that this elaborate system, with its strident insistence on the rights not only of the congregation but of its poorest members, was actually operated in Edinburgh. But, if this was so, it seems unlikely that it was ever implemented in its entirety anywhere else. The First Book of Discipline, with a striking modesty which may have concealed serious disagreement, left the details to the discretion of the individual kirk session (5) and it has been assumed that this led, either immediately or gradually, to a simplified method of election from which the

(4) Ibid. p. 277.

(5) Ibid. pp. 305, 309-12.

various intermediate stages were either omitted or reduced to meaningless formalities. The old kirk session, rather after the fashion of a Town Council, chose its own successor. The congregational trend, where it had existed, tended to merge into the oligarchic. Indeed the Book of Discipline itself had left a loophole; it was always accepted that an elder might be re-elected.

The lay principle, whether congregational or oligarchic, was consciously repudiated by the Melvillians. The Second Book of Discipline insisted that the elder was a "spiritual person" as the minister himself was. He would be ceremonially ordained and thus sit irrevocably apart from the community itself. He would be a salaried professional wholly engaged in the government of a church which, far from reflecting society, would seek deliberately to transform it (6). Melville sought to achieve the ideal church which Calvin and Knox had dismissed as an impracticable dream.

These notions, irreconcilable as they were, lingered on into the seventeenth century, the one in the actual practice of the church, the other in the minds - or rather the dreams - of the radical presbyterians. For the Melvillian edifice, deprived of the revenues which alone could have lent it substance, had already collapsed. The

(6) D. Calderwood, History of the Kirk of Scotland, (Wodrow Soc. 1843), III, pp. 537-8, 544 (Second Book of Discipline).

patrimony of the church, which it was sacrilege to alienate, had already been alienated. By and large, the teinds, which were designed for the ministers, had preserved their value; but the revenues of temporalities had, as we have seen, been reduced by inflation to a miserable pittance. Even if it had been possible to recover them - and it almost certainly was not - they would not have been worth having. As George Gillespie admitted in 1641: "the revenues of our church are so small that they cannot spare stipends to ruling elders". The elder was not a professional administrator for the sufficient reason that there were no funds available to support him. He inevitably remained the amateur, often the devoted amateur, that the early reformers had originally intended him to be. It is interesting that Gillespie, in the very act of recognising this, nonetheless insisted that elders were elected for life. If the facts suggested otherwise; if indeed elders, in some parishes at least, were regularly laying down their office and passing it on to others, they were merely availing themselves of the dispensation, set forth in the Second Book of Discipline itself, that allowed them to set aside the office for a spell "as was among the Levites ... in serving of the Temple" (7). The gap between the ideal

(7) G. Gillespie, Assertion of the Government of the Church of Scotland in the Points of Ruling Elders ..., 1641, p. 106.

and the facts as they were was no less disturbing to the latter day Melvillians than it had been to Melville himself.

The evidence supports the theory in only ^{two} ~~three~~ out of a very large number of cases and then only half-heartedly. The kirk session of Kinghorn published a list of elders, long enough to include the whole of the session, on the 10th May, 1642. Between the notice and the list itself, the session clerk inserted a brief sentence granting "immunity" for a year "from the exercise of the office" to three elders, none of whom were named in the list. This plainly implies that the elders concerned had previously been elected for life; but, if this is so, the elders actually named in the list were to hold office only until the next election, which was actually held during the following year (8). This incident, equivocal as it was, should perhaps be interpreted in the light of another, also dated 1642, in the parish of St. Cuthberts. Here, an unusually large kirk session had been subdivided into smaller groups which had served in rotation. This system, unusual as it was, can fairly be likened to that which had been envisaged, if only as a second best, by the radical George Gillespie. But, if this is granted, the sequel was even more revealing. In February, the presbytery of Edinburgh, a powerful body which normally

(8) K.S.R., Kinghorn, 10.5.42.

reflected the views of the church as a whole, brusquely ordered the election of a new session to serve for a single year "without any intermission and then as many more to be chosen in their stead" (9). If the parish had flirted with Melville, the presbytery smote it with Knox.

It was probably no mere coincidence that both of these incidents occurred in 1642 when the general assembly passed an act, incidentally occasioned by the political unreliability of the kirk session of Glasgow, which favoured the traditional system. It stated quite baldly that the old session would elect the new and it clearly implied that the members thus elected would serve for only a limited period before resigning their offices as a body to another session similarly authorised to act for a similarly limited span. But this same act also recognised that practice was far from uniform. It stated that vacancies arising from death or other causes might be filled by the session as they occurred (10). Indeed, in the Perthshire parish of Kinnaird and the Ayrshire parish of Dundonald, the practice of electing the whole session at regular intervals had already disappeared before 1638. In Colinton, not far from the southern outskirts of Edinburgh itself, it had disappeared by

(9) K.S.R., St. Cuthberts, 17.2.42.

(10) Peterkin, p. 321; BLJ, I, p. 337

1651, the year in which the surviving records begin. In all these three parishes, sessioners were chosen, either individually or in small groups, at irregular intervals (11). It is obvious that many of them sat for long periods and, in Colinton at least, it is certain that some served until they died. The pattern was plainly somewhat confused; it is worth exploring the surviving evidence more thoroughly.

To this end, 123 parishes - including the vast majority of those in which a continuous record of five years or more has survived for any part of the period from 1630 to 1660 - have been examined (12). In none of these cases has any direct evidence of ordination or election for life been discovered; in only two - the cases of Kinghorn and St. Cuthberts mentioned above - can it be inferred and, even in these instances, the evidence suggests a practice lapsing into disuse; the elder of the mid-seventeenth century was not a "spiritual person". On the other hand, the traditional system is known to have persisted in some at least of the towns. In the several parishes of the capital, annual elections were punctiliously held in every

(11) K.S.R., Dundonald, Kinnaird, Colinton, passim.

(12) See list of kirk sessions records in Bibliography.

recorded year from 1630 to 1660; the tributary burgh of Canongate was only less assiduous. Aberdeen, Elgin and incidentally Burntisland, were similarly regular, as was St. Andrews until 1647, and this was probably the pattern for the larger towns. In Dunfermline and Culross, both smaller burghs with large and populous landward areas, elections ^were held at intervals of one every three or four years. Falkirk, a parish of a rather similar character, held two elections in 1638 and 1640, but was much less regular thereafter.

The countryside, properly so called, presented a more varied picture. The kirk session of Errol elected a complete new session in 1640, 1642, 1643 and 1647; Liberton elected four sessions between 1639 and 1649; Stow eight between 1626 and 1652; Scone four from 1630 to 1639; St. Cuthberts six between 1642 and the Restoration. But these were scarcely typical. Errol, with the rich soils of the Carse of Gowrie and a coastal situation convenient for the shipment of their products, was the wealthiest rural parish in Perthshire and probably the wealthiest anywhere to the north of the Tay. St. Cuthberts, a large arable area with Edinburgh in its belly, was by far the richest rural parish in the whole of Scotland. Liberton was another large arable parish well situated to supply the Edinburgh market. Stow, though pastoral and relatively remote, was vast in area and well within the commercial orbit of the capital; its

valued rent was well above average. Scone was smaller than the others, though still above average, and it is interesting that it was, as part of the feued temporality of the abbey, a parish of many proprietors. For this was also true of the other four. The parish of Stow was, with the exception of its northern and southern extremities, a part of the feued temporality of the archbishopric of St. Andrews. St. Cuthberts was shared between the feued Burgh Muir of Edinburgh, the partly feued ecclesiastical barony of Broughton and several civil baronies. Errol was divided between a number of the feuars of the erected Lordship of Coupar, several small civil baronies and the huge barony of Errol recently sub-divided on the departure of the Earl in 1634. Liberton, though lacking in church property, was large enough to support several lairds in modest affluence. If the traditional system thrived in towns, it also seemed to flourish in wealthy rural parishes, especially - or so it would appear - where these were divided - as large parishes usually were - among many landowners of one kind or another.

These generalisations rest, more than a trifle insecurely, on the evidence of eleven urban parishes, some of which included landward areas, and five large rural parishes. Thirty five out of the remaining 107 are known to have elected a full session at some time during the period, but cannot be shown to have done so

regularly and, of these, three were new parishes which only elected a full session when they were first formed. Six of the remaining thirty two - Dumfries, Dysart, Pittenweem, Kinghorn, Dunblane and South Queensferry - were small towns, in every case except the last, with a landward area. Two of the others - Dalkeith and Duddingston - were near Edinburgh; two more - Lesmahagow and Kilconquhar - were large parishes subdivided into many estates. These cases were plainly comparable with those already examined; but the rest, twenty two in all, disclose no clear pattern.

Seventy four out of the total sample of 123 cannot be shown to have elected a full session at any time during the period - in some cases, no doubt, because the surviving record starts late. Four of these - Inveresk, Kilrennie, Anstruther Wester and Dunblane - were small towns; while six more - Tranent, Ceres, Carnbee, Markinch, St. Ninians and Kinfauns - were large in terms of valued rent; but the great majority varied in size from average to small and were at least relatively remote. The parish of Penicuik, with a valued rent rather below the average for Midlothian, may perhaps speak for them all. The surviving record begins in 1654 and continues to the Restoration. In May of 1654, two farmers were added to the session. Just over two years later, the session clerk recorded a list of elders, not because they were newly elected, but - or so we may guess -

because he had forgotten who they were. In December 1657, he noted that the session had been depleted, presumably by death or resignation, and entered the names of four more elders - including Clerk of Penicuik - who had been proposed to fill the gaps. They were duly sworn in, without protest from anybody, a fortnight later. Some of them may have gone on for the rest of their lives, but there was no question of ordination (13). In a small rural parish, the number of potential elders was, as we shall see, strictly limited; under the traditional procedure, with its rigid insistence on the annual election of the whole session, the same men inevitably tended to elect themselves again and again; the election itself degenerated into an empty formality; eventually it lapsed.

There is some evidence that this process was gradually spreading to more populous areas. The kirk session of St. Andrews, which could boast a continuous history looking back through the 1560's into the mistier days of the privy kirk, was a substantial town surrounded by a rich landward area valued in the seventeenth century at more than £25,000 per year. St. Andrews must have been more generously supplied with potential elders than were the vast majority of the parishes of Scotland.

(13) K.S.R., Penicuik, passim.

But, if this was so, the kirk session of the 1640's was itself a large body, varying slightly in numbers but usually consisting of some fifty members. A complete new session was elected in December 1639 and served for a year, when it was replaced by another. The process was repeated in December 1641 and continued, with only the occasional lapse, into the middle forties. The lists do however indicate that sitting members were fairly often re-elected a second time. Indeed this was much more common than it was in Edinburgh where a much larger population was ruled, sometimes ineffectively, by a similar number of elders and deacons. The elections of December 1647 witnessed a significant departure. The session clerk duly noted the election, but only recorded the names of those members who had not served during the previous year. The sequel was almost inevitable; elders began to be added to the session in small groups as vacancies arose. The clerk, like his rustic counterpart in Penicuik, entered a list of the session in 1651, but there is no indication that those named in it had been newly elected (14). The system, which had tossed aside the strident challenge of Melville, slowly succumbed to irresistible pressures of convenience.

The great debate concerning the nature of the eldership has fascinated the theologians of later centuries

(14) K.S.R., St. Andrews, passim.

and it is arguable that most of them have misunderstood, and indeed debased, the meaning which the seventeenth century attached to it. For George Gillespie and James Guthrie, Alexander Henderson and Robert Baillie were not arguing about a church in the modern sense, but a virile and powerful organisation which always threatened to become, and occasionally actually became, a "state opposite to a state". They always wrote, and often talked, the language of theology, for this they had been trained to do; but they used it to discuss issues which were as meaningful in this world as they would be in the next. Seen in this context, the nature of the eldership was rather more than a debating point. It reached down into the entrails of the church and indeed of society itself. The "spiritual" elder would have been ordained to a career in a revolutionary organisation, his life would have been dedicated to the forcible imposition of the godly society. The "lay" elder, on the other hand, was a revolutionary only in a more subtle and less conscious sense. If indeed it should transpire that the elders of the church represented social trends less imperfectly than did the magnates of a feudal state, then they were revolutionaries whether they wanted to be or not.

The argument over the nature of the eldership has often been confused with another, distinct though closely allied to it, about the meaning of the term "ruling

elder" - and here the seventeenth century itself was partly responsible. The theological literature of the mid-seventeenth century tended to use the term in its modern sense to distinguish the elder who ruled from the elder who preached. But the term also occurs, and indeed constantly recurs, in the records of all the courts of the church and here its meaning was quite different. The session clerks of the period never described the ordinary members of their sessions as "ruling elders". The term was reserved for the commissioner chosen to represent the session in the presbytery or the synod - and, of course, the delegate from the presbytery to the general assembly. The distinction was firmly drawn and, as far as the writer is aware, there were no exceptions.

The term, "ruling elder", came into regular use in Scotland during the summer of 1638, when the Tables were anxious to legitimise the appearance of lay politicians in the coming general assembly (15). They drew their precedents from the last two decades of the previous century when - or so they claimed - "barons and gentlemen" had attended the "first erecting of presbyteries" and represented presbyteries in the general assembly. They went on to argue that the act of the Dundee Assembly

(15) See above Chapter Two.

of 1598 had described the lay commissioners from presbyteries to the assembly as "barons" and then used act and precedent alike to justify the intervention of magnates in the elections to their own assembly of 1638 - and here they ran into a double difficulty. For the presence of "lay", as distinct from "spiritual", elders was offensive to the Melvillians; while the presence of elders of any kind was unfamiliar to conservatives who had entered the ministry since the restoration of episcopacy at the turn of the century. The difficulty was at least partly resolved by insisting that the laymen concerned should be members of their own local sessions - and thus "ecclesiastical", if scarcely "spiritual", persons - and by describing them as "ruling elders". The term, thus sanctified, persisted until the Restoration, when it inevitably fell into disuse only to reappear after 1690 in the very different climate created by the renunciation of the Covenants. In a church that no longer sought to be a "state opposite to a state", it quickly reverted to the meaning which the divines, as distinct from the session clerks, had originally given to it.

The act of the Glasgow Assembly "restoring" the higher courts of the church to their "constitutions of ministers and elders" did so by reference to their "powers and jurisdictions according as they are contained

in the Book of Policy" (16). A process, which had begun with an act of assembly describing commissioners from presbyteries as "barons" and which had continued through an election characterised by the most blatant forms of baronial intervention, ended with another act of assembly which appealed to the Second Book of Discipline. In one sense, this merely reflected the change in the balance of power which had occurred between the middle of 1638 and the beginning of 1639; but it also illustrates the continuing necessity to reconcile the ministers to a process which allowed lay politicians to attend the ordinary meetings of presbyteries and thus to penetrate the very engine room of the church. The Tables had argued, probably justly, that laymen had once been admitted to presbyteries on special occasions, but it cannot reasonably be denied that the presbytery had always been essentially a clerical body. The Second Book of Discipline, by insisting that the eldership was a spiritual office as the ministry was, removed some at least of the objections. But it did not, and could not, alter the facts. The ruling elder was a lay politician whose support might be desirable, even indispensable, at a national level; but his regular attendance in the presbyteries would alter the entire character of the church. The ministers

(16) Peterkin, p. 46. (Act no. 25).

passed the act in the hope that the politicians would be too busy, or too idle, to make it work (17).

Alexander Henderson, the architect of the alliance with the aristocracy, observed that ministers were obliged to attend the presbytery and added, perhaps a trifle ironically, that the elder was "not so strictly tied" (18). George Gillespie and James Guthrie, radicals both, went further. The latter, paraphrasing the former, denounced the appointment of "disguised and histrionical men puffed up with titles" as elders; "better", he added severely, "that they be of low degree, if godly, than of high degree, if otherwise" (19). The other Gillespie, it will be remembered, was using the "yeomen elders" of Clydesdale to gain control of the presbytery of Glasgow in 1651 (20). The true radical, denied the possibility of a paid and indoctrinated eldership, was seeking a submissive eldership, obedient to the ideological authority of the ministry, in its stead. As Gilbert Burnet -

(17) J. Gordon, History of Scots Affairs, 1637-41.

(Spalding Club, 1841), III, p. 221. Gordon's comment actually refers to the similar act of 1640.

(18) A. Henderson, Government and Order of the Church of Scotland, 1641, pp. 46-7.

(19) J. Guthrie, Treatise of Ruling Elders and Deacons, Ed. 1690, pp. 5-12, 76; Gillespie, op. cit., p. 10.


(20) BLJ, III, pp. 141-2.

a perceptive, if unfriendly, critic of the Church of the Covenant - was to observe: "they studied to work up the inferior people to much zeal and, as they brought them into their eldership and so got a majority of hot zealots who depended on them" (21). There is plainly an element of truth in this, but it is interesting that the conservative Robert Baillie presents a different view. The kirk session elder, he wrote, was selected from the "most wise, pious and learned" of the congregation and he leaves the impression that social background was not a factor in the choice. But this was not true of the higher courts. The elders commissioned to attend the presbytery and the synod included the "most qualified noblemen, gentlemen and burgesses" that the area could "afford". Above all, he boasted, the general assembly was attended by as many "burgesses and more gentlemen from every shire ... than came to any Parliament, besides the prime nobility". The session might, and indeed would, include many men of relatively humble origin; but the higher courts were necessarily - and in Baillie's opinion rightly - the preserve of the mighty (22).

(21) G. Burnet, History of My Own Time, Ed., 1897, I, pp. 53-4.

(22) R. Baillie, Review of Doctor Bramhall ... His Fair Warning, 1649, pp. 66-7.

Baillie would probably have agreed with Henderson's silent hope that they would not come too often; but he defended their right to be there as insistently as Guthrie denied it. The chapters which follow are inevitably a commentary on them both.



CHAPTER SEVENIMPERIOUS MASTERS

The parish of Liberton in Midlothian had no claim to be typical. It was relatively flat and low-lying. It was conveniently situated to supply the necessities of a large and hungry city. By the standards of the seventeenth century, it was intensively cultivated and densely inhabited. Land was valued at rather more than £3 per acre compared with only 5/- in the upland parish of Heriot in the same shire. There was little church land and feuars were relatively rare. A wealthy parish was divided into eighteen separate estates, one or two of which were small; but the typical estate was a substantial civil barony with a history going back, often in the ancestors of the present occupant, into the Middle Ages. Liberton was a parish of large proprietors and it is interesting that it had a kirk session without any proprietors at all. But, if this was so, it is no less remarkable that the ruling elders of Liberton - that is those who represented the parish in the presbytery of Edinburgh - were, at least insofar as they were noted by the session clerk, always proprietors and sometimes barons. In most cases at least, there is no evidence that they were ever sworn in as elders in the ordinary sense. In Liberton the contrast between the session elder and the ruling elder was stark indeed (1).

(1) See below Chapter Eight.

Liberton, was, of course, an extreme case - the Church of the Covenant pursued to, and perhaps beyond, its logical conclusion - but it illustrates the problem neatly enough. During the prologue to the Glasgow Assembly, the ministers had accepted the support of the Lords of the Covenant for the sufficient reason that they could not do without it. Now, in its aftermath, they, to borrow an expressive phrase from Gilbert Burnet, "grew weary of such imperious masters" and sought to supplant them (2). It is indeed easy enough to understand the bitter complaint of James Guthrie: "The Lord's design on Scotland", or so he claimed, had once been to "purge his house and ... to have his people and his offices ... pure". But they had, he went on, "boasted of the reformation of the ordinances, without seeking as really to reform church offices". There was "a generation of ignorant, slothful, earthly minded men who (bore) the name of elders ..." (3). It is no less easy to understand Gordon's rather sarcastic comment that the ministers would not bother to enforce the act of the Aberdeen Assembly which encouraged ruling elders to

(2) G. Burnet, History of My Own Time, Ed. 1897, I, pp. 53-4.

(3) J. Guthrie, Treatise of Ruling Elders and Deacons, Ed. 1690, pp. 5-12.

attend presbytery meetings (4). It might reasonably be objected that all these observers were suspect. Burnet looked back from the distant perch of an English bishopric; James Guthrie was a radical with a vested interest in exaggerating aristocratic interference; Gordon was a northerner ignorant of, and indeed somewhat hostile to, the ways of the southern establishment. It might be replied that their prejudices cancelled each other out; at very least, they posed the right questions. How regularly did ruling elders attend the meetings of presbyteries and which meetings did they attend? Were they really aristocratic intruders violating the innocence of the kirk? And, if once they were, were they eventually supplanted by the low-born zealots that Guthrie so obviously favoured?

The story really began early in May 1638 when the first rumours of a general assembly were drifting northwards from the Court of King Charles. In Killoonquar, and presumably in some at least of the other parishes in the presbytery of St. Andrews, the session, augmented to include the proprietors of the parish, drew up a rota, consisting solely of proprietors, to attend the "weekly meetings" of the presbytery according, they added in a phrase that would have seemed eccentric only a year

(4) J. Gordon, History of Scots Affairs, 1637-41 (Spalding Club, 1841), III, p. 221.

beforehand, to the "ancient and laudable custom before observed in this kirk of Scotland". The exact meaning of this entry is debatable. It was plainly occasioned by the possibility of a general assembly and, to this extent, it merely anticipated the series of election meetings that would be held all over Scotland during the following autumn. On the other hand, it plainly foreshadowed the attendance of laymen at all the sessions of the presbytery at least until a commissioner had been elected to the assembly. It is clear that Kilconquar came very close to the intrusion of a ruling elder into the ordinary meetings of a presbytery at a time when the practice was quite unknown elsewhere (5).

Ruling elders began to attend the ordinary, as distinct from the election, meetings of the presbytery of Perth during the following January (6) - that is immediately after the Glasgow Assembly had formally authorised their presence (7) - and the example was followed by a number of southern presbyteries. But others were notably less enthusiastic; indeed the important presbyteries of Haddington and Dalkeith waited until the following autumn (8). In the presbytery of Ellon, elders

(5) K. S. R., Kilconquar, .5.38, 9.9.38

(6) P.R., Perth, .1.39.

(7) Peterkin, p. 46 (Act no. 25).

(8) P.R., Haddington, 16.10.39; P.R., Dalkeith, September and October 1639.

attended the election meetings for the assembly of 1639 but did not attend the ordinary meetings before or after it (9) - and this was almost certainly true of the north as a whole. The evidence is difficult to interpret with certainty since most presbytery clerks neglected to record attendances; but the impression remains that ministers, at least outside the heartlands of the Covenant, sought to keep the presbytery as a clerical preserve as long as possible and that the laymen, election meetings obviously excepted, did not hasten to intrude.

The clerk to the presbytery of Haddington, unlike most of his colleagues elsewhere, recorded sederunts and thus revealed the naked truth. On the 8th July, when the elections to the assembly of 1639 were held, all of the fifteen parishes of the presbytery were represented by ruling elders. But this was no ordinary meeting and no further laymen seem to have attended until the middle of October when the modest total of six elders appeared, perhaps to the surprise of some of the ministers present, at each of the two meetings held on the 16th and the 23rd. The second of these two meetings passed an act inviting each minister to bring an elder to yet another meeting, to be held on the 13th November, which would lay down "a constant course" for their "keeping of the presbyterial

(9) P.R., Ellon, April to August 1639.

meetings" in the future. The two intervening sessions were kept by only four and six ruling elders respectively, but the long-awaited meeting of the 13th was greeted by an improved attendance of twelve. This substantially augmented gathering finally passed an act which must surely have seemed an anti-climax; no formal procedure was laid down; everything was left to the "care and diligence" of local ministers and their kirk sessions; every allowance would be made for the difficulties of distant kirks in winter time. This long, and surely dilatory, sequence can only suggest indifference or hostility. The immediate impact of the act was less than impressive; the next twelve meetings were attended by an average of seven or eight elders or about half of the potential total.

The passage of time brought no improvement. The election meetings of 1640, 1641, 1642, 1643, 1644 and 1646 were attended by 12, 9, 11, 11, 10 and 8 ruling elders respectively compared with 14 and 15 in 1638 and 1639. But election meetings were always better attended than the rest. The ordinary meetings of the summer months of 1642 and 1644 were favoured by between four and five and one and two elders respectively. On the 3rd July 1644, the presbytery passed an act, for which there was an evident justification, ordering ruling elders "to keep better the meetings of the presbytery". The resulting improvement was modest rather than spectacular.

Previous sessions had been kept by an average of .8 elders; one elder attended on the 3rd July; subsequent meetings yielded an average attendance of 2.5 out of a possible fourteen. The figures speak eloquently for themselves.

The three great magnates of Haddington were - except at election time - even less active. Lord Yester, the obvious choice as elder for Bothans, represented the presbytery in the assemblies of 1644 and 1645 as well as those of 1638 and 1639; but he attended only one ordinary meeting during the summer of 1642 and none at all in 1644. The Lauderdale, father or son, were, as ruling elders for Haddington or Bolton, elected to all the assemblies from 1641 to 1643; but they attended only two ordinary meetings between them during the same two summers. The Earl of Angus, ruling elder for North Berwick and an anti-engager who was sent to the three assemblies from 1648 to 1650, attended six out of the twenty ordinary meetings of the summer of 1642 - and this was just above the average - but only one in the summer of 1644 (10). Henderson's estimate of the duties of a ruling elder - that he was less "strictly tied" than the minister, but that he should attend when there was "any matter of great weight to be handled" - was an accurate statement of the facts as they were and, indeed,

(10) P.R., Haddington, 1638-46, passim.

as the ministers wanted them to be (11).

The presbytery of Haddington, as we have seen, laid down no rigid code of conduct for its constituent parishes about the election of ruling elders and it is likely that most parishes, at least before 1649, were similarly permissive. In consequence, practice varied widely from parish to parish. Some kirk sessions merely seemed to appoint ruling elders when the mood took them. Others drew up elaborate lists, often subsequently ignored, of elders supposed to attend the presbytery in rotation. Others again - and these were the most numerous - appointed one of their number, sometimes with a substitute for emergencies, to perform the duties of the office for a longer spell, usually of six months; the chosen elder would be expected to attend all the presbytery meetings, as well as the bi-annual meeting of the synod, held during his term of office. It is not difficult to believe that many ruling elders found their duties onerous. Only a wealthy proprietor would have the leisure to discharge them conscientiously - and his leisure was rapidly melting away. His time was increasingly committed to the service of Parliaments which often met for long periods and, if he were truly

(11) A. Henderson, Government and Order of the Church of Scotland, 1641, pp. 46-7.

eminent, of Committees of Estates which were liable to meet whenever Parliament was not in session. Even the proprietor of a relatively modest estate was likely to be appointed to his local shire committees and these met fairly often. "Disguised and histrionical men, puffed up with titles" were unlikely to spend their time in the ordinary meetings of presbyteries and synods.

All this might have been true without denying the justice of Burnet's analysis or Guthrie's complaint. Ruling elders might be, and surely were, reluctant to perform their duties; but they were appointed nonetheless and they were entitled to intervene whenever they chose. It is known that election meetings were well attended and it is obvious enough that the shape of the Glasgow Assembly and, to a lesser extent, the assemblies of the forties, was determined by barons who called themselves ruling elders. The question of their identity remains vital and it is fortunate that the records of the adjacent synods of Fife and Perth and Stirling, both of which include sederunts, survive to supply an answer covering a substantial area for the whole of the period.

The presbytery of Perth comprised nineteen rural parishes, ranging in wealth from Errol (valued at £17,000 in 1649) to Collace (£980) and in structure from Abernethy (with 46 proprietors) or Scone (with 38) to Aberdalgie (with 2) or the tiny St. Madoes (with 1), besides the largely urban parish of Perth itself. At the

first meeting of the reconstituted synod, held at Perth in April 1639, these nineteen parishes were represented by eighteen ruling elders - an impressive attendance from which only St. Madoes was missing. The eighteen included thirteen landed proprietors, a miller, three who were almost certainly tenant farmers and another who probably was. Five of the proprietors held the largest estates in their parishes, two more the second largest and another - which included several substantial estates - the third; the least of them - Andrew Grant of Balhaghill, ruling elder of Kinnoul - was the sixth proprietor (valued at £299) of a parish sub-divided into one large and seventeen other estates. One of the thirteen, Viscount Stormont, was a Lord of Election; two others represented Perthshire in the earlier Parliaments of the period; another had recently inherited the substantial possessions of a former shire commissioner. The group, which represented the parishes of the presbytery of Perth in the April synod, closely resembled that which had sent the Earl of Wemyss to the Glasgow Assembly. They were dominated by a group of reasonably wealthy magnates. The average annual valued rent of the proprietors among them was nearly £900, greatly above the average for the presbytery as a whole.

The spring synod of 1639 illustrates aptly enough the original intentions of the three feudal Tables as well as the fears of the clerical fourth. But achievement only

rarely matched up to aspiration. Even in 1639, the more distant parishes of the synod were unrepresented. Hardly any ruling elders came from rural Perthshire to subsequent synods held in Stirling. Not until the autumn synod of 1643 were the parishes, which had hope-fully sent so many ruling elders in 1639, again represented comprehensively enough to permit a valid comparison. The contrast was dramatic enough. It is true that ten out of the fourteen elders present were proprietors, but their average valued rent was only just over £350 or less than 40% of the figure for 1639. None of the proprietors concerned was the wealthiest of his parish; none had a valued rent of more than £1,000; none were members of Parliament; one or two held small baronies, but not one could reasonably be described as a great magnate. Soone, once represented by a Lord of Erection, now had a feuar with a valued rent of £258 as its ruling elder.

In the synods of 1649-51, Scone, as though anxious to mirror the times, was represented by one David Mitchell who did not appear in an exactly contemporary valuation roll at all. A parish of thirty eight proprietors elected a landless peasant as a ruling elder. Indeed in 1649, only five of the nine were proprietors and their average valued rent had fallen again from £356 to £317; only one - Andrew Lundie, the feuar of Provost Mains (£697) in Abernethy - was the richest in his parish. Not one could be described as a great magnate. James Guthrie, who became

minister of Stirling in 1650, would surely have approved (12).

The identification of elders in Fife is more hazardous in the absence of contemporary valuation material; but the backgrounds of the ruling elders, sent from the parishes of the presbytery of Cupar, suggest similar, if more crudely based, conclusions. By and large the elders of Cupar were more assiduous than those of Perth and a typical synod meeting attracted representatives from about three quarters of the parishes. In the eight meetings held during the years 1639-42, almost half of the elders attending were designated as proprietors in the rolls of the synod. During the years 1643-46, the proportion was almost exactly a third; in 1647-50, it was rather less than a third and was probably tending to fall. A full complement of nineteen ruling elders were nominated in the spring of 1650 to attend the last synod of the period to be held in normal circumstances. A meticulous clerk - who was incidentally David Dalgleish, minister of Cupar - noted them all, including the ten who did not actually come. Only three were lairds. It is just possible that one or two of the others were small proprietors; but it is surely evident enough that the

(12) S. R., Perth, passim; Rental of the County of Perth, 1649, compared with 1835, 1835, pp. 10-34.

typical ruling elder of Cupar in 1650 was a tenant farmer (13).

The ruling elder was not, as Henderson remarked, so "strictly tied" as the parish minister to his duties in the higher courts of the church; attendance was almost, if not quite, a voluntary act; but some kirk sessions felt obliged to send their excuses and one of these is interesting. In September 1641, the minister of Fintry in the presbytery of Dumbarton canvassed his session in the vain hope of finding a ruling elder for the coming meeting of the synod in Glasgow. The elders replied that they were "ignorant" men unfit for "such a business" and that there was no "gentleman" in the parish, "but one who (was) employed abroad in his own and friends' affairs" - and this may well have been true (14). A meeting of a presbytery or a synod was essentially a gathering of articulate men who might be overawed by magnates, but who were unlikely to be impressed by peasants. A ruling elder without land or learning was merely a pawn as Patrick Gillespie, that most adept of manipulators, was to discover to his own manifest advantage (15). It made sense for a parish that took itself seriously to appoint a "gentleman" rather than a

(13) S. R., Fife, 1639-50.

(14) K.S.R., Fintry, 26.9.41.

(15) BLJ, III, pp. 141-2.

"yeoman", not only because he was likely to hold land, but also because he would probably be an educated man capable of holding his own with the ministers. Indeed, in Perth and Cupar alike, the eye of faith might detect a tendency to elect Masters of Arts whether they were land-owners or not. The numbers involved were not large - in Cupar during the middle forties, the proportion seems to have been about one ruling elder in ten (16) - but graduates must have been rare enough in rural areas. The same line of reasoning may well account for the fairly frequent appointment of men of affairs as ruling elders. The chamberlain of the large barony of Newburgh, which was held by the absentee Viscount, was occasionally appointed ruling elder for Kinnaird in the presbytery of Dundee (17). William Livingston of Westquarter, bailie of the regality of Callendar, was often ruling elder for the parish of Falkirk. The bailie of the regality of Abernethy, again held by an absentee, represented his parish in the elections to the Glasgow Assembly. Such examples could be multiplied and it may be that the practice was fairly common; though once more there is no reason to suppose that they made up a significant fraction of the total.

(16) S.R., Fife, 1643-47.

(17) K.S., Kinnaird, 24.4.39, 5.4.40, 30.5.41, etc.

These tendencies, interesting though they may be, were peripheral to the main trend and this, to judge from the three not untypical presbyteries of Haddington, Cupar and Perth, was clear. The ruling elder was conceived by the Tables, on the basis of precedents from the last two decades of the previous century, with the deliberate intention of intruding powerful laymen of the right persuasion into the machinery of the church. The vital purpose was to influence the elections to the early assemblies of the new church. But there was always another and, to the ministers, more sinister intention to invade the presbyteries and synods as such and thus to take over the church in its entirety. The evidence of the records of presbyteries and synods during the critical months of 1639 and 1640 leaves no doubt that this was no idle threat. But the times were uniquely favourable to lay penetration of a church destined by circumstance to play a crucial role in the organisation of an insurrection. The assemblies of 1638 and 1639 dressed a rebellion in the clothes of respectability and, arguably at least, of legality; the civil presbytery and indeed the civil parish, both closely allied to their ecclesiastical counterparts, became the regional and local agencies of revolutionary organisation with aims that were only partly ecclesiastical. In these circumstances, the penetration of the presbyteries, as of the general assembly, was natural to the point of being inevitable. But this was a passing

phase. The assertion of the legality of the Parliament of 1640 and the undeniable legality of its immediate successor provided the insurrection - which was thus insurrectionary no longer - with a purely civil centre. Simultaneously the civil presbytery began to drift away from the church and to transform itself into a series of regional committees each responsible to Parliament rather than to the Tables. Lay participation lost both its justification and its attraction at a time when the chief participants were becoming increasingly pre-occupied elsewhere. The attendance of ruling elders at the ordinary meetings of presbyteries and synods fell away drastically; while, at the same time, the very character of the office, and those who held it, began to change. The magnate receded into the background, emerging thereafter only at election time; the tenant farmer and the bonnet laird advanced to take his place. The castle gave way to the cowshed. The ruling elder came to represent the same social classes from which so many of the ministers themselves had sprung. A church, which had once acted as the agent of a feudal reaction against the Canterburian bureaucracy, was now poised to attack the feudal system itself. But it did not wholeheartedly attack it. Henderson, whose comments on ruling elders reflected the experience of the late thirties and early forties, conceded that they should be consulted when "matters of great weight" were to be discussed - and

these plainly included elections to general assemblies. The mainstream of revolutionary opinion, as represented first by Henderson and later by Robert Douglas, always accepted the necessity of an alliance with the feudal classes at a national level; if the kirk must have its hangman, better that it should have a powerful hangman. But the nature of the alliance must be clearly defined. The intrusion of laymen into the general assembly was relatively harmless since the assembly sat so briefly that it had little executive impact. Its will, nominally supreme, would be interpreted by its Commission in close collusion with the presbyteries - and the magnate, not altogether against his will, was tactfully being eased out of both.

The reaction of the radical ministers was rather different. They had viewed the "disguised and histrionical men puffed up with titles" with the deepest suspicion. But the patrician elder had almost disappeared and they might soon get rid of him altogether. Far from allowing the ruling elder to slip away into the shadows, they welcomed him, an imperious master no longer, as a kindred spirit or at least as a useful servant of the great design. The new radicals of the mid-seventeenth century, denied the professional eldership promised by Melville, were finding a substitute in an amateur eldership composed of men who, insignificant and ill-educated as they often were, would be obedient to the ideological

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authority of a professional ministry. The elder who ruled well was now well ruled.

CHAPTER EIGHTTHE WISEST OF THE FLOCK

David Calderwood claimed that the kirk session had "no divine right in particular", but that it was only "a committee from the presbytery" (1). His opinion was widely regarded as eccentric, but the fears underlying it - that power to the parish meant power to the privy kirk - were more widely shared. The Reformation had been engineered by a series of revolutionary cells which eventually developed into kirk sessions, each consisting of a number of elders taken over from the privy kirk, and a professional minister imposed from without. The appearance of the presbytery, which normally consisted solely of ministers, only served to emphasise the tension between the two conflicting elements. The minister, whether he considered himself a Melvillian or not, introduced the Melvillian concept of the professional churchman into a kirk session usually consisting of upwards of a dozen part-time amateurs. It is arguable that the minister was normally the most powerful, as he was invariably the most articulate, of the two elements; but the elders collectively represented a formidable aggregation of local power. It is vital to know who they were.

Robert Baillie described the ruling elders of the higher courts in terms of their social class; but he was

(1) BLJ, III, pp. 59-60.

content to describe the ordinary sessioner in more or less conventional terms as the "most wise", the most "pious" and the most "learned" of the flock (2). It was implied that he might come from any social class that might be represented in his parish. He might in practice tend to be drawn from the leaders of his local community; but, in theory at least, he might be anybody with a strong moral sense and a sound grasp of Protestant doctrine. He would, as the early reformers had intended, reflect the society in which he lived.

It has been argued that the parish of Liberton represented (3) the extreme case of the church of the Covenant. The parish was divided up into a number of

(2) Robert Baillie, Review of Doctor Bramble ... His Fair Warning, 1649, pp. 66-7.

(3) The elders of Liberton have been identified from the following sources: the names have been taken from K.S., Liberton, 28.7.39, 6.3.42, 23.3.45, 17.2.49. The tenures under which the proprietors held their land have been elucidated from the Register of the Great Seal, the Retours. The Record of Testaments, Edinburgh, has been used to supply detail about the tenants. The Midlothian Valuation Roll of 1680 has also been used. Some inferences have been drawn from the Poll Tax and Hearth Tax Rolls of the 1690's. G. Good, Liberton in Ancient and Modern Times, 1893, has also been used.

civil baronies, none of them huge but none of them small. There had been some feuing, but nothing comparable with the upheavals which had tortured the ecclesiastical temporalities. The proprietor of Liberton might be of ancient lineage like Wauchope of Niddrie, Preston of Craigmillar or Somerville of Drum, or he might be a newcomer like Winraham of Liberton, Advocate and Judge. Either way his estate tended to have survived intact. One or two of the estates were held by absentees but most - including all those mentioned above - were in the hands of residents. The pattern of civil jurisdiction was similarly simple; the local magnate dispensed local justice. It is at least arguable that this appetite for power was satisfied within the existing structure and it is surely significant that he played no part at all in the ordinary affairs of the kirk session. Four full elections of the session were held between 1639 and 1649 and, during the course of these, 83 appointments of elders were made. Not one of these was a baron; not one was a substantial proprietor; there is no positive evidence that any of them held any land at all - and this poses problems of identification.

In part of the parish at least - that part which corresponded with the barony of Craigmillar - the facts are clear enough. Six elders - James Jack, Edward Peacock, Walter Stoddart, William Shillila, John Peacock

and Michael Paton - were involved in the four elections of the period and they were between them appointed thirteen times. The testament of Robert Preston of Craigmillar shows that the first four, representing a total of ten appointments, were all paying rent directly to him in 1639. In addition, John Peacock was probably related to Edward and may well have been a later tenant (4). However this may be, it is reasonably clear that the elders of Craigmillar were, to all intents and purposes, the tenants of the barony of Craigmillar. It may be added that two of them, to judge from the rents they paid, were men of some substance. The other two, who incidentally served less often, were smaller men. If the rest of the session consisted of similar people from the other estates in the parish, the session elder was essentially a husbandman.

The parish of Liberton insistently poses a further question. A parish of wealthy proprietors had a kirk session without any proprietors at all. Was the session thus constituted strong enough to fulfil its functions? It may well be that the farmer elders, stiffened as they were by a professional minister with a powerful presbytery behind him, managed the everyday trivia of discipline well enough; but they tended to join forces with the

(4) Testaments, Edinburgh, 27.1.40 (Robert Preston of Craigmillar).

heritors whenever anything more unusual occurred - in laying down regulations about the plague, in settling an argument with a proprietor who had erected a seat in the church, in passing an act about the sale of drink on the sabbath and at first in the election of ruling elders. More important, their petition against the Engagement was signed not only by the elders but also by all the heritors who could be induced to oppose it. The membership of the session varied with the demands made upon it and the point is emphasised by the fact that two lairds were suddenly - and for reasons unfortunately unspecified - added to the session in April 1640 and May 1641 respectively (5). Neither had been chosen in the election of 1639; neither would be chosen in the election of 1642. But, for the most part, the lairds held aloof; they already had power to spare.

The parish of Stow presents a contrast. Where Liberton was flat and low-lying; Stow was a parish of valleys sharply etched into the high Lammermuir plateau. Where the one was mainly arable; the other was largely pastoral. The one was compact and densely peopled; the other large and sparsely inhabited. The one was a parish of civil baronies, the other almost coincided with a large ecclesiastical regality which formed part of the

(5) K.S., Liberton, 26.4.40, 9.5.41.

temporality of the bishopric of St. Andrews. Indeed Stow conveniently epitomises the stresses and strains which had tormented the temporalities during the previous hundred years. The whole of the Lordship of Stow had been feued in the 1540's and its revenues were now almost valueless - less than £500 from lands valued at nearly £10,000 in 1649. By contrast the feuars had waxed fat on the profits of the price revolution. The largest of them, Lord Borthwick, with lands valued at about £3,000 in 1667, was, as the archbishop had been, an absentee. The next two, Pringle of Torsonce (£1,600) and Borthwick of Crookston (£550), resided in the parish and farmed their lands through tenants. The remainder (all less than £500) were, at least in most cases, working farmers (6).

The regality jurisdiction which attached to the Lordship of Stow resided nominally in the bishop, but effectively in an hereditary bailie, who was also an absentee dispensing a remote justice through a salaried official. The local proprietors, modestly prosperous though they were, could not in the nature of things share

(6) K.S., Stow, .11.26, 28.10.27, 23.8.35, 12.5.37, 10.12.40, 6.3.42, 10.9.43, 6.10.44, 14.11.47, 4.11.49, 5.9.52. The original sources mentioned in (3) above have also been used for Stow.

either in the local civil administration or in the election of members of Parliament. Their power was not commensurate with their substance. The story of Stow was twisted by the problems presented by the absentee landlord and the absentee magistrate. It is at least arguable that the kirk session, which necessarily consisted of local residents, provided at least a partial answer to them.

In Stow, as in Liberton and indeed in most large parishes, the parish was divided into quarters which respected property boundaries without surrendering to them. The whole area, with some few reservations about the most distant outposts of a scattered parish, was represented on the session; it was difficult for one part of the parish to dominate the rest. But, if this was true, there was a definite tendency for each part to be represented by one of the feuars in it. Thus the northern tip was nearly always represented by - among others - Borthwick of Crookston (£550) or his son. Pringle of Cortleferry (£320), Pringle of Muirhouse (£263) and, until 1640, the major resident, Pringle of Torsonce (£1,600), were only less regular. In total, about a quarter of the appointments to the session were accounted for by proprietors or, to look at the question the other way round, all the resident proprietors were appointed at one time or another.

Most of the remainder of the parish was owned by the

absentee Lord Borthwick who, though prominent at heritors' meetings, was not eligible for the session as such. An area, which included upwards of a dozen farms as well as the small village settlement near the parish church, was necessarily represented by landless men. The same applied to the small, isolated estate of Princadoes, also held by an absentee, and to the outworks of the scattered estate of Torsonce.

It is difficult to be certain of the exact status of many of these men. The session minutes themselves tell us only their names and where they lived and worked; they are precise only where the residence concerned was a mill and this offers us the fact that about one tenth of the session were millers. A further group represented the small settlement near the church and this, at the end of the century at least, consisted predominantly of village craftsmen. It seems quite likely that rather less than one tenth of the session were craftsmen of one kind or another - with a probable predominance of weavers and tailors.

This still leaves over half of the elders unclassified and a testament - that of Thomas Allan in Muirhouse - furnishes at least a clue to their identity. It shows that he paid rent directly to a proprietor - as did most of the elders of Craigmillar in Liberton - and that he employed several farm servants. His goods and gear were valued at the substantial sum of £790; about three

quarters of this was made up by farm animals and most of the rest consisted of grain; "plenishings" were trivial. He was the tenant of a fairly large sheep farm of a kind not uncommon in upland areas. He lived frugally but was far from poor. Indeed his wealth was comparable with that of a small proprietor like Pringle of Cortleferry who left a strikingly similar testament (7). It may be that these two men were fairly typical. The rentier played his part - and it may well have been an important part - on the session of Stow; but he was scarcely typical. Most of his fellows, whether they were proprietors or tenants, were probably working farmers.

In Penicuik, the uncertainties of Liberton and Stow disappear altogether; a Cromwellian assessment, relating to a tax paid by husbandmen and craftsmen as well as proprietors, reveals the session in its entirety. The original medieval parish of Penicuik consisted essentially of a short stretch of the South Esk valley extending from the Peeblesshire border to a point slightly north west of the present centre of Penicuik. The river had cut a deep trench through the glacial deposits overlying most of the floor. The soils were light in

(7) Testaments, Edinburgh, 14.8.44 (Thomas Allen in Muirhouse); 21.11.32 (James Pringle, portioner of Cortleferry).

patches and easily drained either into the river itself or into tributaries similarly entrenched and this partially offset the effects of a rainfall rather high for arable cultivation. The tax survey laconically described the typical farm as "half corn half grass". But the original parish had recently been united with two others too poor to sustain ministers of their own. Mount Lothian stretched south eastwards and gently upwards towards the distant slopes of the Moorfoot Hills; apart from the pastoral settlement of Mount Lothian near its eastern extremity and the small farmtoun of Mosshouses, it was mossy, ill-drained and almost uninhabited. By contrast, St. Catherine le Hopes, straddling the Pentlands as it did, was a parish of steep slopes and high rainfall. A string of pastoral farms lined the deep valley of Logan Burn which bisected the parish; while another group, again mainly pastoral, clustered about Bavelaw Castle at the foot of the north western slopes. The old medieval parish of Penicuik was a series of conventional farmtouns, interspersed by single, unified farms; St. Catherine's was essentially a sheep run sending wool to the Edinburgh market; Mount Lothian, for the most part beyond the reach of seventeenth century farming technique, was largely a waste land. The clerk of the presbytery of Dalkeith, writing in 1648, described the united parish as "exceeding spacious and vast, being six miles long and four miles broad and about fourteen

miles in circuit". In winter, he went on, "a part of the people are withholden from the church by high and inaccessible mountains, another part by many waters, whereof two are oft impassable either to foot or horse".

The mixed farms of the old parish were divided between the civil barony of Penicuik (valued at £1,575 in 1670) and the much smaller estates of Newhall (£176) and Spittal (£300), once indeed a hospital and now a feued outlier of the temporality of Holyrood. All three were held by residents - Clerk of Penicuik, Dr. Alexander Penicuik and Oswald of Spittal respectively - over the period for which the kirk session record survives. The sheep farms of Logan Burn (£850) pertained to the absentee Sinclair of Roslyn, but the small barony of Bavelaw (£244) was owned by the at least occasionally resident Mr. Lawrence Scott who may have been an Edinburgh advocate. Mosshouses (£226) was held by an absentee; but Mount Lothian (£244) may have been occupied by its proprietor, James Logan. There were four or five resident landowners of whom one, Clerk of Penicuik, was a man of consequence.

The parish as a whole had between 300 and 400 communicants and thus a total population of about 500 (see TABLE I).

TABLE I (8)

	<u>Barony of Penicuik</u>	<u>Town of Penicuik</u>	<u>Rest of Parish</u>	<u>Whole Parish</u>
Adult Population	(180)	(70)	(170)	(350)
Adult Males	(90)	(35)	(85)	(175)
Resident Proprietors	1	0	4	5
Tenant Farmers	26	11	24	50
Millers	1	0	0	1
Craftsmen*	7	6	0	7
Mealmakers	1	1	0	1
Innkeepers	3	1	0	3
Drovers	1	0	0	1
Others†	(50)	(16)	(57)	(107)

n.b. The Town of Penicuik, in which the kirklands have been included, formed part of the barony of Penicuik.

Approximations have been put in brackets.

* 4 weavers, 1 tailor, 1 smith, 1 cooper.

† mainly farm servants and cottars.

(8) P.R., Dalkeith, 2.11.48. Tax survey, 1656 and Rental of Barony of Penicuik, 1654 (in Clerk of Penicuik Papers, S.R.O.); Teind Valuation, 21.7.47 (in Register to Supply Lost Records, vol. I, pt. II, p. 368); see also sources mentioned in note (3). J. J. Wilson, Annals of Penicuik, 1891, has also been used. I am most grateful to Dr. Duncan Thomson for pointing out the fact that Sir John Clerk was primarily an art dealer.

These figures imply an adult male population of about 175. Fifty of these were tenant farmers in the sense that they paid a rent - incidentally calculated in money rather than kind - direct to a proprietor; and one other, described as the "goodman of the mill of Penicuik", fell in the same general category. The tenants of the barony paid rents ranging widely from £33 to £546 per year. Nearly all the smaller tenants were clustered in the farm-toun of Penicuik, lying between the church and the newly erected mansion of the baron. The larger tenants occupied the rest of the lands between the river and the nearer slopes of the Pentlands. The largest of all was John Simpson (who paid £546 annually) bailie of the baron court and husbandman of the whole of Brunston - which had once been an independent barony - a third of Walston and the recently developed farm of Auchencorth on the opposite side of the river; his son - also John - was the sole tenant of Braidwood (£200). Two others - David Dryburgh and John Ramsay (£333 each) - had large consolidated farms. The miller - James Lowrie - paid £267 for the mill itself and the farm that came with it. The average rent in the barony was £136; the pastoral farms of the parish periphery seem, on evidence rather less certain, to have paid rents of from £100 to £267 with an average of about £150. One of the larger tenants died possessed of the substantial flock of 800 sheep. The craftsmen, the innkeepers, the drover and the mealmaker

all belonged in the lower tiers of the parish hierarchy. They were probably approximately equal in status to the smaller tenants of the Town of Penicuik - that is those who farmed a sixteenth of the whole for an annual payment of £33. They were probably little more than cottars.

The elders of the parish can be identified fairly readily from 1654 when the surviving record begins (9). There is no evidence that a full election of the whole session was ever held; but three groups of new elders - numbering two, three and three - were added in May 1654, June 1655 and December 1657; on the last occasion, the clerk entered a complete list of the session in the minutes. These various lists yield a total of sixteen elders, of whom fifteen were in office at the end of 1657. The exception was perhaps revealing enough. It is reasonably clear that one of the elders then added - George Tait in Penicuik - was the son of Henry Tait in Penicuik and his successor, not only on the kirk session, but also in the tenancy of one eighth of the Town of Penicuik. It is possible to believe that the hereditary principle sometimes filtered down through the landed classes into the tenantry and thence into the eldership.

One of the names added in 1657 identifies itself. Sir John Clerk of Penicuik, born in Montrose, had emigrated to France to become a merchant in Paris. He

(9) K.S.; Penicuik, 7.5.54, 3.6.55, 6.12.57.

had made a substantial fortune by importing continental works of art into Scotland and had become a merchant burgess of Edinburgh in 1646. In 1654, he bought the estate of Penicuik and seems to have resided on it regularly thereafter. At the other extreme, Thomas Morton, who must already have been on the session in 1654, can only have been the weaver in the Town of Penicuik, mentioned in the Assessment of 1656. But these were the extremities of the session and the remaining fourteen - 85 per cent of the whole - were more of a piece. Every one of these - and there are no exceptions at all - were assessed as tenant farmers in 1656. But, if this was so, they were scarcely typical tenants. Seven of the farmer-elders were tenants of Sir John Clerk and they paid an average rent of £248 per year compared with an average of £136 for the estate as a whole. The Town of Penicuik had nine tenants, one farming a quarter, four an eighth and four more a sixteenth. The two elders drawn from the same area between them farmed the quarter and one of the eighths. In the valley of Logan Burn, there were four tenants, two paying £267 and two £100 per year. The first two were elders; the other two were not. It is impossible to be certain about the other four; but it is clear enough that the typical elder was a tenant and the tenant of a large farm rather than a small one.

The session minutes of Penicuik do not disclose attendances and it is thus difficult to distinguish

between active and nominal members. They do however record a rota of nine elders charged with the duty of patrolling the Town of Penicuik on the sabbath. The list does not include either Sir John Clerk or the village weaver; it consisted solely of tenant farmers - and substantial tenants at that. The weaver no doubt lacked the required authority, but this obviously did not apply to the Laird. Sir John was not elected to the session until the end of 1657, that is more than three years after he had acquired the estate. In July of the following year, he attended a meeting, consisting of sessioners and heritors, called to arrange a stipend for the schoolmaster - and he attended as a heritor rather than an elder. He was obviously not an active elder and his relationship with the session seems to have resembled that of the lairds of Liberton during the previous decade. However this may be, it is certain that the other resident proprietors had no connection with the session at all - though Scott of Bavelaw and Penicuik of Newhall, both incidentally professional men as well as proprietors, had acted as ruling elders during the forties. It may be added that the ruling elders of the fifties were almost always tenants; it is scarcely surprising that John Simpson senior was among them (10).

(10) P.R., Dalkeith, 2.11.48, 26.4.49, 7.11.49, 6.5.50.

Falkirk, valued at nearly £30,000 in 1649, was about five times as wealthy as Penicuik. The parish roughly corresponded with the southern half of the basin of the Carron and its tributaries; the rich farmlands near the river's mouth rose gradually to the poorer soils of Slamannan Muir. The parish had historically been divided into two parts. The coastal strip, together with a narrow strip projecting inland along the south western fringe of the parish, had pertained to the Abbey of Holyrood and was now divided between the Earl of Roxburgh, the Marquis of Hamilton and Sir Thomas Hope of Kerse. Kerse had not been feued, but the remainder wore the patchwork clothes of a typical temporality. The other part, larger but generally less productive, was essentially Livingston country. It included the large estate of Bantaskyne (£1,200) and the smaller estates of the lesser Livingston lairds, but it was mainly occupied by the larger barony, soon to become a regality, of Callendar (£4,700) anciently held by the Earls of Livingston and now, since 1634, by Lord Almond, a cousin rich from the booty of the Thirty Years War. Falkirk itself stood between the two parts; it was the natural focus of a large rural area and had been a burgh of barony since 1600; during the course of the seventeenth century it gradually developed from a farmtoun into a town in the modern sense. The parish as a whole may have had a population of about 2,000 in the 1640's and a substantial proportion

of these must have lived in the burgh.

The kirk session, as it was elected in 1638 and again in 1640, reflected all these elements (see Table II). The three resident magnates - Almond, Kerse and Bantaskyne - were elected in 1638 and two of them were re-elected in 1640; one of the lesser Livingstons was included in each list; Almond's bailies figured prominently in both. The feued lands of the Polmont quarter were, in 1638 and 1640 alike, represented by three feuars and two tenants. By contrast, Kerse and Callendar were inevitably represented by tenants. The burgh members, who included deacons as well as elders, were four merchants - who were plainly not merchant princes - three craftsmen - two of them smiths - the tenant of the local carbonarium ~~who must have been a coalminer or a charcoal burner~~ a notary and two men described as portioners - who were presumably feuars of land within the area of the burgh.

TABLE II (11)Falkirk kirk session analysed (a) by status and (b) by area

	<u>1638-39</u>		<u>1640-41</u>	
	<u>Elders</u>	<u>Active Elders</u>	<u>Elders</u>	<u>Active Elders</u>
Magnates	3	0	2	0
Other Proprietors	2	0	3	1
Bailies	4	1	4	1
Tenants	10	0	11	1
Burgh Members	13	5	10	6
Unidentified	1	0	0	0
Total	33	6	30	9
Polmont	6	1	6	1
Kerse	2	0	2	0
Callendar	7	0	7	1
Burgh	14	5	11	7
Other	4	0	4	0

n.b. (i) For the purposes of this table deacons are included as though they were elders.

(ii) The "active" elders are those who attended more than a third of the meetings held from September 1638 to December 1639 and those who attended more than half the meetings held from December 1640 to December 1641. The session was better attended during the latter period.

(11) K. S., Falkirk, 12.5.38; 4.2.40. These usual sources (see note (3)) have been used in the identification of the elders of Falkirk. R.M.S., ix, No. 171, which gives a list of the tenants of Lord Almond. The records of the Regality of Falkirk, 1638-42, have also been used; I am most grateful to Miss Hunter of the Scottish Record Office for allowing me to use her indexed typescript of these records.

Mr. John Dishington, clerk to the session of Falkirk, was perhaps more conscientious than most of his kind. Like the clerks of Cramond and St. Cuthbert's, he recorded attendances at session meetings. In so doing, he disclosed the interesting fact that six of the elders elected in 1638, all tenants from the more distant farms of the parish, did not attend any of the forty five meetings held from September 1638 to December 1639. Indeed only six of the thirty three elders attended more than a third of the meetings. The succeeding session of 1640 was rather better attended; but, even so, only nine of its thirty members came to more than half of the meetings. Nor was the active group thus defined a mere random sample from the session as a whole. Five of the six active members of the session of 1638 came from the burgh and the other was a bailie of the baron court which sat in the burgh. The active group of 1640 was similarly composed; seven of the nine represented the burgh; one was a bailie; the odd man out was a feuar from the Polmont quarter with an estate valued at £500 annually. In some respects, notably in the ^{apathy} ~~reticence~~ of the tenants and most of the feuars, Falkirk was far from typical; but the evident determination of the burgh members may well have been reflected in larger burghs with substantial landward areas.

No less significant was the inactivity of the magnates. Both of the Falkirk lists were headed by

Lord Almond; both included Bantaskyne; the first included Kerse. But they actually attended only 17 meetings between them out of a possible combined attendance of 264. Their direct interest in the kirk session was almost confined to the election of ruling elders. The story of St. Cuthbert's was significantly similar. The outer fringes of an even wealthier parish, largely taken up by the craft suburbs of Edinburgh and the feued lands of Holyrood and the Burgh Muir, were occupied by the substantial civil baronies of Dean, Inverleith and Braid. Unfortunately the clerk recorded names as assiduously as he ignored the designations which alone could have given them meaning. But the magnates are still identifiable, in one interesting case by his absence. The great Sir William Dick, who took his designation from the barony of Braid, was not a member of any of the six sessions elected from 1642 to 1655. Nisbet of Dean and Touris of Inverleith, both of whom were elected in 1642, seldom attended. From the election of 1642 to that of 1646, the average sessioner, using the word to embrace deacons as well as elders, attended 23 per cent of the meetings held during those years; but Dean and Inverleith could boast a combined attendance of only 13 per cent (12).

The session minutes of Cramond, which survive from 1651 onwards, are much more useful; designations were

(12) K.S., St. Cuthberts, 10.11.42-26.3.46.

included; attendances were recorded. It emerges that the average sessioner attended almost exactly 50 per cent of the meetings - and this was much better than the equivalent figures for St. Cuthbert's and Falkirk. Cramond was a more compact parish than either of the other two - which might account for the better attendances - and it was purely rural in character - and there was thus no conflict between urban and rural elements. On the other hand, it was, like St. Cuthbert's, within the commercial orbit of Edinburgh; it was a relatively wealthy parish, valued at nearly £12,000 in 1649. The pattern of land tenure was varied enough. Nether Cramond was a distant outpost of the temporality of Dunkeld; it had been feued as a single large estate (valued at £1,200 in 1680) during the previous century and was now held by Inglis of Cramond who came from Edinburgh burgess stock. ^{Groathill} ~~Gretall~~ and Craigcrook had been prebends of St. Giles and had also subsequently been feued. The former was now owned by Sir John Smith, a merchant and ex-Lord Provost of Edinburgh living in rural retirement. Cramond Regis, though its prehistory is more obscure, had probably been a royal estate and was now held freehold, but in most cases without a baronial jurisdiction, by a number of relatively small proprietors. One of these was Sir John Smith; another was his son Mr. Robert; yet another was Howieson of Braehead (£220); it is not entirely clear that Young of Leny, an Edinburgh

lawyer and farmer of the Customs, belonged in this group, but he too had no baronial jurisdiction. All these men - Inglis of Cramond, Smith of Grottall, Mr. Robert Smith, Howieson of Braehead and Young of Leny - can, despite the Edinburgh connections of nearly all of them, reasonably be regarded as resident proprietors and all of them were included in the lists of elders. Some of them acted as bailies for other and more remote superiors, but not one could claim an heritable jurisdiction of his own - and this served to distinguish them from the other five proprietors in the lists. Balmerino, Hope of Craighall, Houston of Houston, Hamilton of Muirhouse and Hamilton of Little Preston can all properly be described as magnates, great or small. They all held baronies either in Cramond or elsewhere. The remainder of the session; some of them elders and some of them deacons, were all either tenant farmers or men of equal or lower status.

The kirk session of Cramond thus divided itself into three distinct parts - the magnates, the proprietors without baronial jurisdiction and the tenants; it is of the highest significance that the intensity of their interest in the kirk session was dramatically different (see Table III).

TABLE III (13)

Attendances at Meetings of Kirk Session of Cramond,
1652-57, by various groups of sessioners.

<u>Group</u>	<u>Potential Attendance</u>	<u>Actual Attendance</u>	<u>Percentage Attendance</u>
Magnates	1,488	36	2
Other Proprietors	1,042	575	55
Tenant Elders	1,054	810	77
Tenant Deacons	1,564	1,165	74
All Proprietors	2,530	611	24
All Tenants	2,618	1,975	75
Whole Session	5,148	2,586	50

The typical tenant, whether elder or deacon, attended the remarkably high proportion of three-quarters of the meetings; the lesser proprietors attended more than half of the meetings; the magnates, it is almost true to say, did not come at all. To all intents and purposes, the kirk session of Cramond, like that of Liberton, was outside the feudal system. A minute examination of the

(13) K.S., Cramond, 7.9.51, October 1652-December 1657. The usual sources (see note (3)) have been used in the identification of the elders of Cramond. See also H. Wood, History of the Parish of Cramond, 1794.

histories of the families concerned might explain this away in terms of illness, death, youth or absence - and it is certainly true that Houston's main estates were elsewhere and probably true that Little Preston's barony was only recently created. But the contrasts would be no less stark if these two were omitted altogether and the record of Balmerino is surely revealing. He did not attend at all from November 1652 to June 1656; but, from June 1656 to the end of 1657, he attended no less than twenty eight times. Was it a coincidence - and it may well have been - that the heritable jurisdictions were abolished at about the time of his conversion?

The odd, and rather elusive, relationship between the magnates and their kirk sessions was, however unintentionally, epitomised by the session clerk of Scone. He normally described his masters as the minister and session and, in doing so, he was referring to a body which, as one would expect in an ecclesiastical temporality, consisted of feuars and tenants in more or less equal proportions. But, on a few rather special occasions, he made an exception. The minister was preceded by the Lord of Erection of the ancient abbey of Scone. It should perhaps be emphasised that Viscount Stormont was, unlike the Lairds of Liberton, a duly elected elder. But, if this was so, it is equally clear that he was no ordinary elder; he was named and they - the vassal elders - were not, he preceded the minister and they came after him.

It was a relationship that the Second Book of Discipline had not envisaged (14).

To judge from the evidence afforded by those parishes - about fifty - where a complete list of the session has survived, rather less than a quarter of the elders and deacons of rural Scotland were landed proprietors. The calculation is unsatisfactory in more ways than one. The smaller feuars are often difficult to distinguish from tenants - perhaps because the seventeenth century was not greatly concerned to make the distinction; the parishes concerned were not necessarily typical - indeed they were larger and wealthier than average. Above all, individual parishes differed considerably. In a parish like Scone, with a fragmented pattern of land ownership, proprietors might well outnumber tenants. In the Tweeddale parish of Lyne, where the only proprietor was an absentee, the kirk session almost certainly consisted solely of his tenants - and several other remote hill parishes conformed to a rather similar model (15). In parishes made up from one or more unfeued civil baronies, the lairds might well be members, but usually only nominal members, of the session or, as in Liberton, they might not be members, at least in the

(14) K.S., Scone, 14.11.36, 16.12.38.

(15) K.S., Lyne, .1.49

ordinary sense, at all. For the most part, the lairds held aloof; they already had power to spare. The typical elder was either a small landowner - whether feuwar or freeholder - or a tenant. He was indeed a working farmer. He came from the same background as Alexander Henderson and so many of the other ministers.

John Calvin, discussing the intricate relationship between church and state, observed that the one was entirely independent of the other and then went on to add, perhaps a trifle disingenuously, that the church could help the magistrate to ensure that "not so many may sin". The functions of the two jurisdictions should be "so joined that each serves to help, not hinder, the other" (16). This was the ideal which Knox and his comrades sought to implement in the complex environment of Reformation Scotland. The throne was bound to seem untrustworthy at least as long as Mary occupied it. A powerful faction among the magnates supported the reformed church; but another, only less formidable, would long continue to oppose it. The new church was bound to have its reservations about the inferior magistrate in the countryside, but it had no such reservations about most of the towns, where something very like the ideal relationship envisaged

(16) J. Calvin, Institutes of the Christian Religion, 4.11.3.

by Calvin developed early and took root. Had not the burgh of Edinburgh offered a princely stipend to Knox long before the ministry as a whole had any proper provision at all? And did they not actually pay it?

The church of Scotland had always had a special affection for the burghs and this was reflected in the special treatment accorded to them during the prelude to the Glasgow Assembly of 1638. The lay commissioners sent up from the presbyteries to the assembly were very like the "barons" envisaged in the act of assembly of 1598; but the Tables, probably as a concession to the objections of the radical ministers, allowed them to be described, in ecclesiastical rather than civil terms, as elders or ruling elders. But the representatives of the towns were always regarded as the commissioners of the burghs which had - admittedly with the formal consent of their kirk sessions - elected them. The burgh commissioners in the Glasgow Assembly were sent there by the civil power and the clerk did not describe them as elders. John, Lord of Balmerino, who represented the presbytery of Edinburgh, was called an "elder"; James Cochran, the senior representative of the burgh, was merely described as "Dean of Guild in Edinburgh" (17). There was no urban parallel to the bitter clerical reaction against baronial intrusion into the church. Indeed the Assembly of 1640 passed an

(17) Peterkin, p. 109.

act which, though rather obscurely worded, plainly indicated that the bailies of burghs were expected to be members of their kirk sessions. It was the common opinion of the Court of High Commission, of the archbishop of St. Andrews and of the presbytery of Edinburgh, both before the revolution and immediately after it, that the bailies of South Leith were ex officio members of the kirk session of South Leith (18).

In these circumstances, it is scarcely surprising that burgh magistrates and burgh councillors should regularly have been appointed as elders in their kirk sessions, or indeed that they should often have been described by their civil titles. In St. Andrews, the list of burgh elders was normally headed by the Provost, five bailies and the Dean of Guild; the Treasurer was sometimes added. It seems likely that the membership of this part - and it must have been an influential part - of the session changed when the dignatories concerned laid down their offices rather than when elections to the session were held (19). Aberdeen presented a very similar picture (20), but the extreme case was to be found in the small southern burgh of Dumfries. The clerk to the kirk

(18) B.R., Edinburgh, Charters etc., V, pp. 133-50.

(19) K.S., St. Andrews, 1639-48; the elections were held in December.

(20) K.S., Aberdeen, 1638-40.

session described the first thirteen of his nineteen elders as the Provost, the three Bailies, the late Provost, the Dean, the Treasurer, the four late Bailies, the Convener and the late Treasurer of the burgh. It is possible that the other six - who were merely described by their occupations - were also Councillors; whether they were or not, it is evident that church and state were one in Dumfries (21).

By and large the burghs are better documented than the countryside and none more so than the Canongate, the small town which had grown up to service first the abbey and then the palace of Holyrood. The regality jurisdiction under which the burgh was governed had resided in the succession of abbots, commendators and lords of erection who had enjoyed the fruits of the abbey. It implied the right, passed on to the Town Council of Edinburgh in 1639, to appoint a baron bailie who exercised a criminal jurisdiction in the burgh and the neighbouring barony of Broughton. But this jurisdiction had long been contested by the inhabitants of the Canongate and its significance should not be exaggerated. The ordinary affairs of the burgh were regulated by a council consisting of two resident bailies - who were not appointed by Edinburgh until 1652 - a treasurer, six ordinary councillors and

(21) K.S., Dumfries, 19.7.46.

the deacons of the six incorporated trades (22). This Council was strikingly similar to - and at times almost as independent as, - the government of a royal burgh. It would be extravagant to regard it as typical of other medium-sized Scottish towns - if only because it was quite literally the emporium of the Court - but it must at least reproduce some of the features of other burghs.

The leading citizens of the Canongate tended to fall into two well defined groups. The first consisted of middlemen who purchased imported luxuries from Edinburgh merchants and sold them to the Court. The second comprised the incorporations among which the manufacture of luxury items was again prominent. The two groups were distinct and the first was definitely senior to the second. The magistrates and the councillors tended to be drawn from the first, while the trades were separately represented through their deacons. This order of precedence was also observed on the kirk session.

The membership of the session can be assessed accurately enough; indeed no less than 96 per cent of the elders and deacons have been definitely identified and

(22) Acts of the Bailies of the Canongate, II and III. The notes made by Miss Helen Armet, M.A., have also been used. The writer is most grateful for her permission to use them. See also J. Mackay, The History of the Burgh of Canongate, 1900, especially ch. V.

the remaining 4 per cent have been ignored in the calculations which follow. Altogether 142 elders and deacons were appointed a total of 311 times during the course of the fourteen elections held between 1630 and 1652 (23). Just over three-quarters of these appointments were accounted for by craftsmen from one or other of the six incorporations. It is almost certain that all of these were masters; there is no evidence that any of them were journeymen.

The remaining quarter of the session is not without interest. It included a small group of lesser tradesmen from outside the incorporations; these were all deacons and none of them ever became elders. Another group, also very small, consisted of lairds and professional men; these were all elders and, as far as one can tell, only one of them had ever been a deacon. But there was also a more numerous group - some 16 per cent of the whole - which was drawn from the plutocracy of the burgh. These were the middlemen who sold imported luxuries, the maltmen and the skimmers who were also outside the ranks of the incorporations. This group accounts for only 9 per cent of the deacons, but 17 per cent of the deacons who later became elders and 29 per cent of the elders who had never

(23) K.S., Canongate, 9.3.30, 25.10.31, 4.2.34, 24.2.35, 24.4.36, 3.12.39, 30.11.41, 2.1.44, 1.10.45, 4.2.46, 10.1.47, 28.12.47, 26.12.48, 9.12.51.

been deacons. Like the lairds and the professional men, they were definitely concentrated in the upper reaches of the session. It may be added that the testaments confirm the impression that the elder was a lot wealthier than the deacon. His domestic establishment was five times as valuable; his inventory, essentially his stock of goods, was about three times as great; his moveable wealth, that is his goods together with the net value of his debts, was again three times as great.

But it is possible that wealth was not the real point. For no less than three quarters of the elders, compared with a mere 4 per cent of the deacons, served in one capacity or another on the Council of the Canongate, which was incidentally a smaller body than the kirk session. It may be added that about half of the first time elders were either magistrates or ordinary councillors and that about half of the deacons who later became elders were also, at one time or another, the deacons of their various incorporations. To generalise, the deacon - using the term in its ecclesiastical sense - tended to be an ordinary master craftsman; the deacon who became an elder tended to be the deacon - using the term in its craft sense - of his incorporation; the first-time elder tended to be a wealthy magistrate or councillor from outside the ranks of the incorporations. Indeed, the eldership represented the dominant elements in the burgh almost as

faithfully as did the burgh organisation itself (24).

The kirk session of Edinburgh sought to impose good order and rectitude on a turbulent city that instinctively rejected both. Its population had grown from less than 10,000 at the time of the Reformation to over 20,000 during the 1630's (25); it was as wealthy as it was crowded, as dignified as it was lawless; it presented problems of government which the smaller burghs would scarcely have understood. To them it may well have seemed obvious that church and burgh were merely opposite faces of

(24) Individual sessioners have been identified from the sources mentioned in note (22) and from the records of the various incorporations. The latter have been deposited as follows: Bakers, Hammermen, Wrights and Weavers (in City Archives); Tailors (N.L.S.); Cordiners (S.R.O.). The sessioners representing the Castle and the Abbey have been omitted from all these calculations.

(25) The figure for the 1630's is based on the fact that 4,000 householders were assessed for annuity tax purposes (Extent Roll for the Annuity Tax, 1634-6). The conventional multiplier has been used. The figure for the 1560's is the writer's personal guess; it is based, far from securely, on the series of extent rolls - unfortunately for national rather than annuity tax purposes - in the City Archives.

the same coin; the two jurisdictions might be separate in theory, but in practice the same people would operate both; the question of conflict need not arise. But Edinburgh, in its vastness and its complexity, was at once a bigger and a more elusive prize; it stimulated conflict; elder and magistrate were seldom entirely at one.

The conflict had indeed been present from the beginning. The privy kirk had necessarily been an insurrectionary body and Knox has told us that it merged imperceptibly into the "public" kirk of the 1560's and furthermore that it brought with it an electoral system according significant powers to the congregation. The old session nominated twice as many elders and deacons as would be needed to serve on the new one. The congregation was then given the opportunity to reject any of these and to substitute others of their own choice - "to the end", as Knox said, that none "should complain that he was spoiled in his liberty in election". This done, the congregation elected the session from the leet thus modified. Knox's final comment summarised the intentions behind a rather cumbersome process: "... if a poor man exceedeth a rich man in votes, he precedes him in place". The earliest surviving kirk session records - which relate to the middle seventies - suggest that this system, or at least some close approximation to it, was actually put

into operation (26).

The nature of the alternative was suggested by an entry in the Council Record, dated as early as August 1560. The Incorporation of Tailors had sought the permission of the Town Council to replace their altar in St. Giles with seats for the exclusive use of their members. The Council, remarking that "all titles to altars had been abolished", righteously rejected the idea and substituted another of their own. The "Nobility, Provost, Bailies, Council, Elders and Deacons" - in that order of priority - would be "first placed". They would be followed by the rest of the burghesses "... providing always that neither the prentices or servants ... or other common people take upon the places or rooms of the said merchants and free craftsmen" (27). This was the voice of a Town Council which had embraced the reformed church from the first and was now seeking to dominate it. It plainly envisaged a church in which the rich would precede the poor and the Council would dominate the kirk session. It looked forward to a relationship between church and state which would be, at least in some respects, Zwinglian rather than Calvinist.

The conflict between the two notions was perhaps

(26) John Knox, History of the Reformation (Ed. W. C. Dickinson), II, p. 277; K.S., Edinburgh, 7, 14, 22, 28.10.1574.

(27) Extracts, Edinburgh, III, p. 71, (1.8.1560).

postponed by the uncertainties of the period. The kirk session of 1574, despite the interventions of the congregation in their election, in fact included two of the four bailies as well as an advocate who was also Clerk Register. Indeed the church, in the immediate aftermath of the civil war, may well have welcomed the protection of the magistrates - though there was no suggestion that the bailies would be appointed to the session as a matter of course. It also seems likely that the session elected in 1574 consisted of relatively wealthy men. Six of the twelve elders were merchants and all of these made tax payments that were substantially above the average for the merchants as a whole. The craftsmen of the burgh were not at this stage assessed as individuals; but it is a reasonable inference that the seventh elder - David Kinloch, Deacon of the Baxters - was a man of some substance.

The other five elders were all lawyers and two of them were advocates (28). It is again a reasonable assumption that they were fairly wealthy men, but this is not perhaps the real point. For, wealthy and influential though they often were, they had no secure access to the burgh oligarchy. It is true that the assessors, who were always advocates, were seeking to make good their claim to full voting membership of the Council; but the bid would

(28) K.S., Edinburgh, 28.10.1574; B.R., Edinburgh, Extent Roll, 1580.

fail and failure would leave them totally unrepresented. The kirk session provided the obvious outlet for the ambitions of a profession which could find no other route to power. The privy kirk had found a formidable ally.

The Arran administration brought the conflict between the Council and the sessions to a head. With Arran himself as Lord Provost, the Council promptly elected a new session of its own choosing and decreed that the Bailies should participate in its deliberations. Zwingli was suddenly supreme; the civil magistrate would run the church. The session thus elected was again a gathering of relatively wealthy men. It included six merchants, all making above average tax payments and three of them payments of more than ten times the average, two craftsmen and four lawyers. They were perhaps richer than their counterparts of the previous decade, though they lacked the famous names; the Council was content to exercise its power from without (29).

The new régime was not slow to persecute its opponents, four of whom can thus be identified. One of these - John Blackburn, merchant - had certainly been an elder and was probably a member of the previous kirk session; the other three - Robert Mark, cramer, and the brothers Edward and James Cathkyn, both skimmers - may also

(29) Extracts, Edinburgh, III, p. 155-7; B.R., Edinburgh, Extent Roll, 1584.

have been elders or deacons. It is sufficiently obvious that these four came from entirely different settings. Blackburn was a merchant, but a small one; his tax payment was barely half of the average. Mark kept a stall and was thus a merchant of a kind, but his contribution to taxation was even smaller than Blackburn's. The two Cathkyns were not burgesses at all in 1584, though they were in 1592 when their tax payments were about half of the average (30).

This then was another element in the privy kirk : and it was about to come into its own. The ministers of Edinburgh returned from exile to find the Crown, and the Town Council that had done its bidding, discredited by the fall of Arran. The new system of election lapsed and was replaced by the system which it had superseded. The ministers rode triumphantly into power on the back of a kirk session which - though precise evidence is lacking - must surely have included Blackburn, Mark, the brothers Cathkyn and others like them. Their eventual defeat in 1596 was perhaps a turning point in the history of Scotland; but its local impact was blunted by the simultaneous humiliation of the Town Council. The balance tipped slowly, and eventually decisively, in favour of the burgh; but no further attempt was made to tamper with

(30) Calderwood, IV, pp. 122-3; B.R., Edinburgh, Extent Rolls, 1584, 1592.

the electoral system until the early 1620's when the political climate was entirely different.

The essence of the change resided in the potential violence of the opposition to the Articles of Perth. The King was concerned about the presence of a recalcitrant kirk session in his capital; the magistrates were worried about the prospect of a popular riot which it would be their responsibility to quell; the ministers, now the King's men for the most part, wanted more money as well as an expanded ministry to meet the needs of an expanding population. They all shared a common distaste for the mob and a common mistrust of elders whom they suspected of acting as its leaders. The sequel was perhaps predictable. At election time in 1620, the "old and new council" swooped on the kirk session, rejected the "better sort" and chose "ignorants and time servers" in their place. The sequence was repeated in the following year (31) and the privy kirk collapsed beneath the combined weight of the Crown, the Bailies and the pulpit. The details of the bargain thus implied were not agreed until 1626; but its essentials were never in doubt. The Articles of Perth were observed in the churches of Edinburgh - and this pleased the Crown; the city was divided into four parishes each to be served by two ministers with substantially augmented stipends - and this perhaps pleased the ministers

(31) Calderwood, VII, p.4.

more than it did their paymasters; the four kirk sessions so created were each to consist of six elders and six deacons and each would be elected by its predecessor joined by, and greatly outnumbered by, the Lord Provost, the Bailies, the Treasurer, the Dean of Guild and the rest of the Town Council - and this pleased everybody outside the Privy Kirk (32).

It is possible, if only imperfectly, to compare the "better sort" who were rejected with the "ignorants and time servers" who replaced them. Unfortunately only eleven of the former are identifiable but the seven rejected in 1621 conform to a pattern and may well have been typical of others. These were Dr. Jollie, Dr. Arnot, Dr. Kincaid, Dr. Sibbald, John Hamilton an apothecary, Richard Lawson a bookseller and a familiar name in James Cathkyn, probably the stalwart of the earlier privy kirk and now a bookseller. Their tax assessments suggest an approximation to the burgh average, but it is reasonably obvious that they were not orthodox members of the burgh community. The four doctors of medicine were, like the lawyers and indeed the ministers, professional men entitled to pursue their calling without being burgesses at all. Only one of the two booksellers was a burgess; their trade was relatively new and at times a trifle dangerous. Only John Hamilton was a member of one

(32) Extracts, Edinburgh, 1604-26, p. 278.

of the established incorporations and he, as an apothecary, was in a sense a professional man rather than an ordinary craftsman.

It is not clear that the other four opponents of the Articles of Perth were actually rejected elders; but they too are interesting. Two of them were skimmers, as Edward Cathkyn was and James Cathkyn once had been. Another was a merchant assessed for tax purposes at less than average for the burgh (33). But the fourth was William Rig, the prince of the privy kirk. He was a wealthy merchant making tax payments of no less than eighteen times the average; he was a Bailie of Edinburgh; he had an estate in Fife; he had little or nothing in common with the others. In the 1590's, the privy kirk had been led by Melvillian ministers who were using it - as Patrick Gillespie would use it in the 1650's - for their own ideological purposes. In 1620, when the ministers were on the other side, it was led by a merchant prince who was at once sincere and self-interested. His opposition to the Articles as such was genuine and widely shared; his appeal to the mob was perhaps as demagogic as such appeals usually were. He would later become an outspoken but relatively orthodox Covenanter and would act as "speaker" of the barons in the Parliament of 1641.

The "time servers" of 1625 were a very different body.

(33) Calderwood, VII, p. 4; B.R., Edinburgh, Extent Roll, 1621.

Twenty four elders were elected and, of these, fourteen were merchants and six were craftsmen. Several of the latter were guild brethren suggesting that they were employers of labour who had ceased to practise their crafts themselves. Four-fifths of the elders seem to have been leading members of the burgh community and the impression is confirmed by the fact that their average tax payment was about five times the average for the burgh as a whole. By contrast there were only four lawyers - a lower proportion than seems to have been customary during the previous century - and these were at once hand-picked and carefully distributed among the four sessions. It seems likely that they were there merely to provide legal advice (34).

It was almost as though the sessions of 1625 had been deliberately constructed in the image of the Council itself. But, if this was so, the Magistrates did not appoint themselves as elders; indeed one elder of the kirk is known to have resigned because he was subsequently elected a bailie of the burgh. Furthermore only one of the twenty four elders appointed had previously been a magistrate, though eight others had served on the Council in one capacity or another during the previous ten years (35). The elders of 1625 can reasonably be regarded as junior

(34) B.R., Edinburgh, Minutes, 26.12.25; Extent Roll, 1625.

(35) Extracts, Edinburgh, 1604-26, passim.

members of the burgh oligarchy.

The annuity tax, authorised in 1634 to meet the mounting cost of ministers' stipends, also, if only accidentally, offers a much deeper insight into the place of the elders in Edinburgh society. The tax was based on house rents and was thus paid by the head of every household in Edinburgh. The new valuation roll, drawn up between 1634 and 1636, was virtually a census of householders with an indication of the rents paid by each of them. The south east quarter of the burgh - broadly speaking the area bounded by the High Street, St. Mary's Wynd, the Flodden Wall, the Horse Wynd and Conri's Close - contained 982 households of which 660 - about two-thirds - paid rents of less than £40 annually and none of these included any of the elders elected to the session of the south east parish from 1631 to 1638. At the other extreme, there were 26 heads of households paying rents of more than £200 annually and 8 of these - about 1 in 3 - were elders. The wealthier the household, the greater was the chance that its head would be an elder (see Table IV).

TABLE IV (36)

The Elders of the South East Parish of Edinburgh, 1631-8,
analysed by the annual value of their houses.

	<u>Houses with an annual value of (£s.)</u>				
	<u>1-39</u>	<u>40-69</u>	<u>70-99</u>	<u>100-199</u>	<u>Over 199</u>
Number of Houses	660	153	37	106	26
Number of Elders	0	3	4	27	8
Ratio Elders to Houses	0/660	1/50	1/9	1/4	1/3

In December 1637, the Town Council, which had recently joined the Supplicants, again elected a further series of kirk sessions. The names of most of them are known since the Town Clerk noted the names of those who - in the following October - attended the Council to give their consent to its election of commissioners to the Glasgow Assembly. Three elders were absent, but the remaining twenty one included twelve merchants, four craftsmen, three lawyers and two others who may have been lawyers. The average tax payment was £64 or rather more than three and a half times the average for the city as a whole. They included one former magistrate and six former councillors (37). The list is incomplete; but it seems likely that the sessions elected in December 1637 were somewhat

(36) K.S., Edinburgh, S.E. Parish, 1631-38, the elections were held in December; B.R., Edinburgh, Extent Roll for the Annuity Tax, 1634-6.

(37) B.R., Edinburgh, Minutes, 13.10.38; Extent Roll, 1637; Extracts, Edinburgh, 1626-41, passim.

less wealthy than their predecessors of December 1625 and that they contained a rather higher proportion of lawyers and a rather lower proportion of former councillors. The change, if it was real at all, was slight and its meaning ambiguous. It might be argued that the kirk sessions of Edinburgh were, under the stresses of revolution, reverting to an older pattern - that the "time servers" were giving way to the "better sort". But the change, if change it was, might just as well have been a gradual process extending over the whole period. After all, the city fathers had contrived to reduce the kirk session to a subordinate role. It would hardly have been surprising if some of their friends had lost interest in it.

All the records relating to the kirk sessions of Edinburgh from 1638 to 1653 have been lost and all the vital questions thus lack final answers. It is not certain that the Council continued to elect the elders after 1638 since the Town Clerk had long since ceased to record their doing so. But it seems unlikely that the nature of the relationship between church and burgh was changing rapidly. In December 1641, the Council was persuaded to increase the number of parishes - and thus of kirk sessions - in the burgh from four to six. This was obviously to the advantage of the church; but the act authorising the change made it clear that the advantage was to be severely limited. As the number of sessions rose

from four to six, the number of elders in each would fall from six to four. The combined strength of the ecclesiastical element in the sessions would remain constant. But there was now to be another element. The new kirk session would consist of four elders, four deacons, two ministers and the Provost and Bailies of the burgh. This was new and there is no doubt that it was intended to be real. There were now six sessions and only four bailies. Each session was allotted a meeting time of its own to allow the presence of at least one bailie at every meeting.

The changes clearly favoured the civil magistrate and were obviously intended to do so. But there was still a hint of ambiguity. The closing passages of an interesting act are worth quoting in full: "And because the said sessions are appointed for trying the manners of the people and appointing of discipline both civil and ecclesiastical as occasion serves, therefore the Provost, Bailies and Council has, with consent of their ministers, agreed and appointed that there shall be no bills read upon the said weekdays for contribution or supply but that the same shall be heard upon the Sundays after noon to be read and answered by the Provost, Bailies, Dean of Guild and Treasurer convening each sabbath day ... with one or two of the sessions of the said parishes as shall be thought fitting" (38). These arrangements, somewhat

(38) B.R., Edinburgh, Minutes, 24.12.41.

ill-defined though they were, might well have achieved the kind of relationship with a friendly civil power which Calvin had professed to want; but they did so in a way that was foreign to Calvinist theory. Their inspiration, insofar as they were inspired at all, must surely have come from Zurich rather than Geneva. The details are somewhat obscure, but it is perhaps reasonable to assume that the magistrates of Edinburgh were not to descend on the kirk sessions every Sunday merely to trifle with the poor money. The phrase "contribution or supply" is irritatingly vague; but it must at least have been intended to cover the annuity tax and it may well have been meant to include national taxation as well. It is perhaps reasonable to assume that the machinery of the church in Edinburgh had been used, under the informal supervision of the magistrates, to raise the funds which financed the first Bishops' War and it is possible that this arrangement was now being written into the constitution of the burgh. Taxes would be proclaimed and debated on the sabbath. The magistrates may well have thought that the church courts would become an extension of their own - and this was an error into which the Parliament of 1641 was simultaneously tumbling.

The church was already preparing its reply. As early as February 1642, the six kirk sessions of Edinburgh were occasionally meeting as a single united body and their meetings were sufficiently formal to justify the

employment of a clerk. The occasion of their only recorded early meeting was innocent enough; they merely consented to a decision by the Council to divert a bequest for the poor into the funds of Trinity Hospital (39). But this was the thin end of a thick wedge. The Council had previously contrived, from motives that are obvious enough, to keep the sessions apart. Now, perhaps in an informal corollary to the bargain of 1641, they were forced to give way and it is reasonable to assume, in the absence of positive evidence, that they were giving way slowly. It is fair to infer that the magistrates attended the meetings - as they would do in 1657 when the surviving record opens; it is fair to assume that the body thus constituted did not act as a court - as it would not be acting in 1657; it is doubtful whether it had any legal authority over its constituent parts - though it may have urged them, as it would do in 1657, to use their powers the more effectively (40). It

(39) B.R., Edinburgh, MacLeod's Bundles, 31A, No. 14.

(40) K.S.R., Edinburgh, Six Sessions, 1657-62; n.b. there were only five sessions at this time. A notebook in the Lee Papers (N.L.S., M.S. 3512) has extracts, dated 1643-47, from an earlier volume of these minutes which seems to have been lost. The notes do not elucidate the issues discussed in this paragraph.

was not, at least in the first instance, a consistory. But the wedge thickened as it was hammered. In 1648, the six sessions had not merely a clerk, but a moderator as well. His name was Robert Douglas and he was a hammer indeed. Shortly afterwards, an argument between church and burgh, about the presentation of ministers and the rights of the kirk sessions in the election of burgh commissioners to the general assembly, brought matters to a head. The Town Council saw fit to deny that their negotiating with the six sessions acknowledged any "power or jurisdiction" in their meetings (41). But the power was there whether the Council chose to acknowledge it or not. The united sessions of Edinburgh, like the Commission of the General Assembly, had been created by stealth; but they were there nonetheless. Edinburgh had found its consistory and it is inconceivable that the magistrates - who supported the Engagement - could have attended its deliberations.

The defeat of the Engagers at Preston was the defeat of the Magistrates and Council of Edinburgh. The abolition of patronage removed their control over the admission of ministers; the transfer of the administration of the annuity tax to the kirk sessions loosened their hold on the purse strings. The consistory, complete with its Melvillian deacons, would rule Edinburgh until

(41) Extracts, Edinburgh, 1642-55, pp. 149, 156-8.

Cromwell returned to pull down the edifice he had erected.

General Lambert restored the semblance of a normal government at the end of 1652 and thereafter the city fathers recovered rapidly. But they were not able, and probably did not try, to repeat their previous intervention in the elections to the kirk session. The session minutes of the north east quarter, which resume in 1653, merely show that the old session elected the new one in the traditional manner. There is no evidence of intervention either by the burgh on the one hand or the congregation on the other; equally there is no indication that magistrates were appointed as elders during their term of office or that they attended meetings in their civil capacity. At some point between 1641 and 1653 - and probably during the prelude to, or just possibly the aftermath of, the Engagement - the sessions of Edinburgh regained their independence of the civil power.

An analysis of the eldership as it was during the radical days of 1649 would plainly have been of the greatest interest. Unfortunately the loss of the relevant church records, and the silence of the other sources, renders this impossible. However a list in the Council Record discloses the membership of all six of the sessions as it was in June 1654 and this must serve as a substitute. In some respects at least it is probably adequate, since the system of election was almost certainly the same, while some at least of the elders of

1649 may well, to judge from the more fully recorded experience of the thirties, have re-appeared four or five years later. In any event, the comparison with the earlier lists of 1625 and 1637 is instructive (see Table V).

TABLE V (42)

Analysis of the Elders of Edinburgh, 1625, 1637 and 1654.

	<u>1625</u>	<u>1637</u>	<u>1654</u>
All Elders	24	(21)	36
Merchants	14	(12)	16
Professional Men	4	(3, 4 or 5)	10
Served on Council in previous decade	9	(7)	4
Ratio of average elders' tax payment to average burgh tax payment	5/1	3.6/1	1.8/1

n.b. the figures for 1637 are based on an incomplete list of elders. The full total was twenty four.

The total numerical strength of the kirk sessions, which had been so conspicuously kept down to twenty four elders and twenty four deacons in 1641, had been increased to thirty six of each at some point - probably during the prelude to, or the aftermath of, the Engagement - before 1654. The change, which probably reflected a real increase in the power of the kirk sessions,

(42) See notes (34) (for 1625) and (37) (for 1637).

B.R., Edinburgh, Minutes, 23.6.54; Extent Rolls, 1654-57; Extracts, Edinburgh, 1642-55, passim.

coincided with a change in their composition. The proportion of merchants fell; the proportion of professional men rose; the appearance of two doctors of medicine in 1654 must have recalled the "better sort" of 1620. At the same time, the eldership had probably become much less wealthy and less closely connected with the burgh oligarchy. To put the same point in a different way: the session had become less dependent on the burgh and, in so doing, had come to be drawn from a different, and usually less prosperous, social background. It would be extravagant to identify the "better sort" with the poor, for none of the elders of the period had ever known real poverty as the seventeenth century would have defined the term. None of them were journeymen and none were labourers; but none of them were merchant princes either. The elders of 1654 were small merchants, master craftsmen, lawyers and doctors, together with a maltman. The last pursued a trade that had never been incorporated and was thus without political influence. Indeed the lack of real wealth or real power was the link which bound an otherwise diverse group together.

The kirk sessions of the church of Scotland sometimes fell under the sway of the civil power and this was particularly true of many of the towns, especially perhaps of the smaller and medium-sized burghs. It was also true of Edinburgh from the middle twenties to the middle

forties; but this was not the general rule. The more complex social structure of the capital demanded a channel of protest and this it often found in its kirk sessions. During these periods, the elders of Edinburgh were drawn either from the outer fringes of the burgh oligarchy or from outside it altogether. Similarly the elders, or at least the active elders, of the countryside were often tenants or feuars but seldom magnates. In most parishes the eldership was a potential privy kirk, though it was not necessarily active as such.

But the "better sort" were seldom the powerful sort. They were, almost by definition, outside the normal power structure of the state; they did not share the professional status which gave the ministers their collective authority. A thousand kirk sessions, low born as they were and zealous though they might be, were harmless in themselves. They required leadership and they first found it in the feudal classes themselves. But this was an alliance rooted in power rather than compatibility. The magnates, like the merchant princes of the capital, were supplanted by ministers drawn from the same social background as were the elders themselves. The "better sort" of town and country alike were particularly susceptible to the blandishments of the Melvillians who tended to emphasise the rights of the congregation and thus of the elders who led it. They were the natural constituency of a group of professional revolutionaries who were,

in the long run at least, seeking a clerical church rather than a privy kirk. They were caught in a contradiction.

CHAPTER NINESTATE OPPOSITE TO A STATE

Samuel Rutherford, the philosopher of the state opposite to a state, observed, in a letter written to the ever attentive Marion McNaught during the early 1630's, that "our blessed Lord Jesus", unable to "get leave to sleep with his spouse in this land", was "going to seek an inn where he (would) be better entertained". It had not always been so. The inspiring message of Calvin, conveyed from Geneva through the ministry of "worthy Mr. Knox", had begun its work well. The privy kirk had distilled the purest essence of reformation; but its translation into a public kirk - vital though it was - had been unhappy. "Irreverent bishops" had come in and done their popish worst. The servants of Christ had been "banished, deprived and confined"; instead of a pulpit, they got a "stool and a cold fire in the Blackness"; at the same time the "nobility" were "spoiling them of the tithes and the kirk rents", leaving him a "poor naked Christ". The reformed church, as Rutherford believed it to have been conceived, had simultaneously been challenged from two opposite quarters. It had been infiltrated by the Crown and robbed by the magnates. Rutherford utterly rejected the Reformation as it had actually developed in Scotland (1).

Rutherford had linked the church rents with the

(1) Letters of Samuel Rutherford (Ed. A. A. Bonar), 1891, p.56.

teinds. The entire patrimony of the old church formed the proper inheritance of the new one. The elaborate edifice sketched out in the Second Book of Discipline had rested on the assumption that the elder would be a salaried professional as the minister was. If the teinds belonged to the ministers, the temporalities must pay the elders and deacons. But this was now, in the middle years of the seventeenth century, all but impossible. The superiorities belonged to Lords of Erection who, in some cases at least, professed to be friends; in any event their yield, once huge, was now reduced by inflation to a pittance. The renegotiation of feu duties would alienate feuars who often genuinely believed that they were friends - and this was a revolution that even Rutherford could scarcely contemplate. The corollary was similarly inconceivable. The superiorities would have brought their jurisdictions with them. The bailie of regality would have become the hired official of the church. The Melvillian relationship between church and state would have been reproduced, if only in miniature, in the localities.

The radical ministers of the 1640's were engaged in a rather different, though no less revolutionary, enterprise. The Second Book of Discipline was second only to the Bible itself and they were searching eagerly for a clerical church. They were bound to reject the structure erected by the Tables in 1638. It might have its virtues - for its baronial realities were decently concealed behind the

principles of a better church; but the feudal elders, who had elected themselves to the Glasgow Assembly, must be supplanted by low born zealots willing to do as they were told. In the end - or so it may have seemed in the dreamier hours of the night - the church would belong to its ministers. It would become a church of truly "spiritual", as distinct from merely "ecclesiastical" persons. This was the glittering vision which lured Samuel Rutherford to his destruction.

On the face of it, Rutherford's dream was even more preposterous than Melville's. The Second Book of Discipline had constructed a vast pyramid solidly founded in teind and temporality; the new revolutionaries sought to build a church no less powerful on the fragile foundation of an entitlement to a part of the teinds. It is easy - and perhaps a little too easy - to dismiss the enterprise as foolish. It sought the subjection of the mighty in the interests of the merely articulate; it assumed that the sword could be blunted by the keys; it tried to dictate to the English before it had conquered in Scotland. It could plausibly be argued that it would have been defeated by the Engagers had not Cromwell defeated them first. The triumph of the clerical church between Preston and Dunbar was not - or so it might be maintained - a true reflection of the balance of forces within Scotland itself. All this is true as far as it goes, but it surely does not go far enough.

Feudal Scotland had been conditioned by the centuries to fight itself and three decades of relative peace had done little to change its nature. The Canterburian church, itself a force for social change, had been rejected by the feudal classes as a whole and this was the main cause of its sudden collapse. But the Lords of the Council had taken one course and the Lords of the Covenant another. The revolutionary movement itself maintained the semblance of unity while the Bishops' Wars were actually in progress; but its baronial component split in two as soon as they were over. The feud between Montrose and Argyll, stripped of the emotion which has often clouded its interpretation, was essentially an old fashioned faction fight over the control of the executive. The renewal of war, the association of Montrose with the clans and the consequent breach with his party, combined to renew an appearance of unity which again barely survived the King's defeat. The revolutionary establishment again split in two. The greater part of the Argyll party opposed the Engagement, while sympathising with the principles behind it; the rest, in company with the former supporters of Montrose, supported it. The campaign itself richly illustrated baronial Scotland in the early stages of its decline. The regiment of the Marquis of Argyll not only took part but, to judge from the lists of prisoners, died almost to a man. At the height of the battle, Hamilton ordered the Scottish foot southwards across the Ribble; Callendar, his second in

command and once the principal lieutenant of Montrose, promptly ordered them back again. Cromwell enjoyed the confusion.

The magnates of the period included two great men and each betrayed his order. Montrose, thwarted in the Lowlands, crossed the Highland line into a wilderness of his own choosing; Argyll, his principality ravaged by Montrose, became the hangman of a revolutionary church which he had once contrived to dominate. Both died as martyrs, but neither was a martyr in the cause he had originally embraced. There was a harsh justice in the fate of both. Their separate defections were perhaps the outward manifestations of a deeper malaise. The visible surface of feudal Scotland never seemed to change; the barons, great and small, dispensed private justice to anybody who lived on their lands. But there was turmoil beneath and it is arguable that the ministers - who had emerged from it - understood it as well as anyone. The feudal system of heritable jurisdiction was collapsing beneath its own contradictions.

The lands of the parish of Scone had once formed a part of the abbacy of Scone. Many, though not all, of them had been feued during the sixteenth century and they now yielded an income, reduced by inflation to about a third of the original value, to the Lord of Erection. The remaining two thirds accrued to the feuars who thus, collectively though not individually, drew more from the lands concerned

than did the Lord himself. In this respect, Scone was far from being an extreme case, for a substantial estate - now the proper lands of the Lordship of Scone - had been left unfeued and had thus retained its value. In many other cases, the superior's landed income had literally been decimated and the residue had been divided among the feuars. But the jurisdiction, which was inherent in the superiority, had not been so divided. The feudal equation between landed power and landed wealth had, in the vast feued lands of the ecclesiastical temporalities, been distorted beyond recognition.

Nor was this the only distortion. The temporalities were, in many cases, large and scattered; huge tracts of territory were distantly separated from the institution which they were designed to support. It is easier to believe than to prove that the Archbishop of St. Andrews seldom visited his substantial Lordship of Stow (valued at about £10,000 in 1649). It is hardly surprising that the Lordship had been feued in its entirety during the 1540's, nor that the regality jurisdiction attaching to it should have been granted heritably to a nobleman from south of the Forth. During the seventeenth century, it yielded an income, valued at less than £1,000 in 1649, to a superior who had effectively alienated power and wealth alike. It was almost as though the Lordship of Stow had escaped from the feudal system altogether.

The feuing of the temporalities was probably fairly

closely reproduced on estates administered directly by the Crown; but, at least as far as one can tell, it found no exact parallel among baronies and regalities of the secular magnates. In another respect, however, the parallel was close enough. The sixteenth century was the age of the "baronial complex", of the gradual accumulation of previously separate estates into the hands of a relatively small number of wealthy magnates. Even the rather ordinary barony of Penicuik (valued at about £1,500) had once consisted of at least two quite separate baronies. By the end of the sixteenth century, the two were one; soon after the beginning of the seventeenth century, the barony thus unified passed from its ancestral holder to a judge, who built a mansion and left it to a son - Preston of Airdrie - who chose to live elsewhere. From him it went, in 1646, to the Countess of Eglinton, another absentee, whose heirs sold it, in 1654, to Sir John Clerk, an Edinburgh merchant grown wealthy on the sale of imported works of art. In 1646 a rental, drawn up in the baron court of Penicuik, discloses the fact that an estate without a resident proprietor was administered by its wealthiest tenant who was acting as its bailie. It may be added that the court, like the kirk session, met in the church (2).

It should be emphasised that Penicuik was in no sense exceptional. The Earl of Tullibardine held land in at

(2) J. J. Wilson, Annals of Penicuik, 1891, pp. 146-50.

least fourteen Perthshire parishes, the Earl of Perth in seven and Hay of Balhousie in five; altogether at least sixty two Perthshire proprietors held land in more than one parish. One or two of these were feuars and one or two others were barons who held some of their lands on a feu charter; but the majority were substantial lairds with two or more baronies at their disposal (3). To put the same point in a different way, many baronies were held by absentees who seldom attended the baron court. The proprietor, or so it might be argued, came to regard the outlying estate as a source of income which could be left alone as long as the rents continued to flow. Effective control fell, if only by default, into the hands of a local bailie - often, as in Penicuik, a tenant or, as in many a temporality, a feuar - assisted for some purposes by an assise composed, as the kirk session was also composed, of husbandmen and feuars. In most of the temporalities and on many secular estates, the feudal system of heritable jurisdiction was slowly breaking down.

The growth of the baronial complex heralded the eventual decline of the feudal system as it is usually understood; but the immediate impact was rather different. Baronial power was concentrated in fewer and wealthier hands. The threat to the Crown seemed to increase. The last three

(3) Rental of the County of Perth, 1649, Contrasted with the Valuation of the Same County, 1835, 1835, passim.

decades of the sixteenth century witnessed a series of experiments each attempting to create an alternative system of jurisdiction. They were all prompted by the arrogance of the magnates; they were all justified by the patent inadequacies of the heritable system. They were all initiated by the Crown and most of them involved the machinery of the church. These rather tentative experiments substituted the parish for the barony as the normal unit of local administration and the man in possession - whether baron, feuar or tenant - for the absentee magnate. They inevitably centred on the kirk session, if only because it was already a working parochial institution; but none of them regarded the kirk session as adequate in itself. It might be used to activate the Justices or even in emergency to nominate them; or it might become the nucleus of a more powerful organisation which could include all the resident proprietors of the parish. The role of these novel bodies is capable of a Melvillian or a Canterburian interpretation, for both used them for their own purposes; but they were not essentially ideological in origin. They emerged quite naturally out of the situation as it actually was. They were part of the seventeenth century's response to its own unhappy past. They were part of a wider movement, of which the revocation was the most important manifestation, to substitute the concept of the heritor for the concept of the baron.

It may be significant that the revolution, in the very

act of its rejection of the revocation and everything that came with it, nonetheless accepted its methods. The local committees improvised to raise men and money consisted of, or at least were operated by, resident heritors rather than absentee magnates. The magnates were firmly in command of the Tables and they obviously controlled the elections to the early assemblies of the period; but a feudal superstructure rested on a foundation that was only incidentally feudal, if indeed it can be described as feudal at all. Had not the kirk session of Dundonald, duly augmented by its "gentlemen", sworn a local covenant of their own devising to drive the sturdy beggar from their parish?

The wars themselves made deeper inroads into the resources of the feudal classes. The forfeiting of Montrose and his friends, followed as it was by the disgrace of the Engagers, had the effect of divorcing huge tracts of territory from their traditional masters. From 1649 onwards, it was not uncommon for heritors, kirk sessions, or the two together, to appoint magistrates, usually local heritors, to impose civil penalties on moral delinquents (4). These "civil magistrates" or "kirk

(4) K.S.R., Rothiemay, 7.2.50; Mortlach, 29.6.50; Dyce, 14.10.49; St. Andrews (landward), 7.10.51; Newburgh, 11.9.53; Inveresk, 5.6.55; Edzell, 6.12.49; Blairgowrie, 1649-50.

magistrates" could, with some justice, be regarded as the local hangmen of their local kirks; but their appointment could equally have been justified from a purely practical point of view. The traditional machinery, already compromised by absenteeism and the unforeseen consequences of the feuing movement, was now threatening to break down altogether.

The parish, ruled by an augmented kirk session, was gradually ousting the barony, with its baron court, as the typical unit of local administration and there was inevitably a parallel tendency for the minister to supplant the baron as the leading member of the local community. The clerical church rested on an increasingly solid foundation of local fact. It is arguable that the collective decisions of the Commission of the General Assembly were often, especially after the death of Henderson, tactically immature. But, on another and perhaps more exalted level, the ministers were riding the crest of a wave. Rutherford's state opposite to a state would perish beneath the combined weight of the magnates, the New Model Army and, eventually, a resurgence of the Crown. It would divide and ultimately fall, but it was not without resource.

The clerical church was a complex entity which had always seemed likely to fall apart and was remarkably slow to actually do so. It is possible to isolate three more or less distinct attitudes, each held by a significant number

of prominent ministers. One, held for example by David Calderwood, mistrusted lay participation of any kind and saw the clerical church as an end in itself. The kirk session itself was suspect, since it consisted predominantly of laymen, and it was to be relegated to a subordinate role as a mere "committee" of a presbytery which - ideally at least - would consist solely of ministers. Calderwood shared with the majority of the magnates an almost pathological mistrust of "privy meetings" and he was driven, almost certainly unwillingly, into an informal alliance with them. The ministers, who had sought to keep "ruling elders" out of the ordinary meeting of presbyteries in 1638, befriended the Engagers in the assembly of 1647. It is arguable that Rutherford and the radicals were seeking a clerical church as ardently as were their opposites; but, if this is so, they chose a different route towards it. They actively encouraged lay participation, but deliberately aimed at a low born eldership in the belief that it would willingly accept the leadership of the ministers. Indeed they were consciously using the church as an instrument of social change; in effect their state opposite to a state would subvert feudal Scotland. As a corollary to this, the radical ministers were willing to countenance privy meetings and even on occasions to justify them in theory.

The third attitude dismissed both the others as divisive aberrations. Henderson's early years in the

ministry were orthodox enough and his experience as a minister of Edinburgh only served to reinforce his distaste for privy meetings. To this extent, Henderson was as rigid as Calderwood. But Henderson himself had contrived the downfall of the Canterburians; the Supplicants were, to all intents and purposes, a privy kirk. Should he condemn himself? More important, was it possible formally to proscribe privy meetings without driving the radicals out of the church? On the other hand, was it possible to allow them without offending the conservatives who, though they were seldom prominent in the inner councils of the church, were powerfully represented among the rank and file? The experience of the Aberdeen Assembly can only have suggested that it was not. Privy meetings must be discouraged, but it would be impolitic to suppress them entirely - and this was never seriously attempted. The "ruling elder" posed similar questions. Henderson welcomed the magnates, because he could not do without them; but he objected, almost as strongly as George Gillespie, to their presence in the entrails of the church. He accepted that magnates were entitled to attend presbytery meetings, but he hoped that they would not come too often - and they very seldom did.

Calderwood, Henderson and Rutherford were all striking separate attitudes towards the privy kirk and everything that it implied. The history of the reformed church had resolved itself into a four-cornered struggle

between the godly prince, the inferior magistrate, the professional minister and the congregation. The last had usually been the least; indeed it had only been a powerful force when it had suited Melvillian ministers to use it. Nonetheless it can reasonably claim to have had an existence of its own; it might indeed have included the inferior magistrate but it was not necessarily ruled by him; indeed it took the whole of the local community and, in theory at least, treated all its elements as equal: "... if a poor man exceed a rich man in votes, then he precedes him in place". To espouse the cause of the congregation was necessarily to espouse the cause of revolution.

The Glasford affair of 1639 displayed the privy kirk in action (5). It was essentially a dispute about the presentation and election of ministers and it had arisen out of the deposition of the Canterburian incumbent, Robert Hamilton, in the Glasgow Assembly. The parishioners, who had gathered in Glasgow to give evidence against Hamilton, had asked Patrick Sharp, the minister of the neighbouring parish of East Kilbride, to find a successor. Sharp suggested John Bell, son of the minister of Stevenston who happened to be a friend of Robert Baillie. Baillie, in his turn, persuaded Argyll and Eglinton to approach Lord Semple, the patron and sole proprietor of

(5) BLJ, I, pp. 237-41; II, pp. 450-60.

the parish, in support of Bell's candidature. Semple readily agreed and the presbytery, after due consideration, followed suit. All would perhaps have gone well had not Semple lost his nerve; the Glasgow Assembly, and thus the deposition of Hamilton, was doubtfully legal; he decided to await the verdict of its successor. In the meantime Hamilton himself had refused to leave his pulpit and the reader of the parish - who may well have led the original opposition to him - had responded by establishing a conventicle which was regularly attended by at least a substantial part of the congregation. Then, in the aftermath of the legal assembly of 1639, Semple recovered his composure and decided to present Bell only to discover that the reader, having tasted power, was loath to let it go. The dissident congregation, brandishing the arms that they had loyally carried to Dunse Law and back again, loudly complained that they had not been consulted. Had not the First Book of Discipline proclaimed the right of the people to "elect" their minister? And were not the people bound by the Covenant to the discipline of the church? The metaphor was not far to seek: "as the virgin forced in the field, if she cried was free of guilt, if silent was punishable for villainy; so they, if now they did not cry against this violence, were by God to be plagued".

It is easy to imagine the embarrassment of the ministers. They had used the privy kirk to get rid of a

Canterburian minister - and this was good; but now it wanted to choose his successor - and this was terrible. It took the combined weight of the presbytery of Hamilton, the Synod of Glasgow and Ayr, the patron, the Earls of Argyll and Eglinton, David Dickson, Robert Baillie and a legal opinion - incidentally running to over 6,000 words - dashed off by Wariston himself to instal young Bell in his pulpit. The entire resources of an already mighty church were used to crush the reader of Glasford. Wariston indeed must have suffered a peculiar embarrassment. His legal opinion no doubt reflected his office rather than his own preferences, for he was, in principle at least, a friend to the privy kirk. His only real quarrel with the reader resided in the fact that he had never heard of him. He salved his conscience by begging Baillie, to whom his opinion was addressed, not to use it to buttress the cause of patronage. Indeed the Glasford affair illuminated, if only in miniature, all the issues which tormented the church of the Covenant.

All, or at least most, of the lands of Glasford were owned by an absentee. It is reasonable to infer that the minister was an influential member of the local community and perhaps that he was its leader. When he was deprived, his mantle was assumed, however informally, by the anonymous reader who, perhaps using his position as session clerk, had engineered his downfall. If this is

so, it seems likely that the reader was supported by some at least of the elders who were probably largely drawn from Lord Semple's tenantry. But Baillie tells us that the reader's conventicle - that is the body that opposed the admission of Bell - was composed of "poor people" and "silly cottars", of men who would probably not have been elders. Indeed the deposition of the minister must have ended the formal meetings of the kirk session.

Between the Glasgow Assembly and the eventual admission of Bell in the summer of 1640, there was no ecclesiastical discipline in Glasford - and Lord Semple was far away.

The privy kirk in Glasford consisted, if Baillie is to be believed, of a "busy man" playing on the grievances of the poor. In Edinburgh, as we have seen, its leaders had seldom been really poor. The brothers Cathkyn were neither of them wealthy, but both were master craftsmen and one became a bookseller; several of their comrades were doctors of medicine; others may well have been lawyers. They tended to be men of some little substance who were, for one reason or another, excluded from the inner recesses of the burgh oligarchy. Nothing is known about the leaders of the conventicles which sprang up in Edinburgh during the late thirties and early forties, but the circumstances of their birth were oddly similar to those of the privy kirk in Glasford. The Canterburian ministers of Edinburgh were "rabbled" out of their pulpits and a Canterburian provost was mobbed out of the town.

For a time, two ministers did duty for eight. The way was open for "busy men" and they duly made their appearance. They may well have resembled the brothers Cathkyn. In Stirling, by contrast, a more formidable conventicle, led by a prominent local laird fresh from Ulster, collided with Henry Guthrie, the scourge of the privy kirk, acting in collusion with the magistrates of the burgh. Here the issue was scarcely in doubt; the laird was hounded out of the town and driven to seek refuge on his estate in Gargunnock. It seems likely that his family exercises were more widely attended than Guthrie would have wished.

The influence of refugees from Ulster was obviously an important contributory factor in the development of the privy kirk and in its conspicuous concentration in a particular area, broadly speaking the south west of Scotland from Clydesdale to Galloway. But the area already had a long radical tradition behind it and this had recently been re-activated, in Galloway at least, by a militant bishop armed with his own peculiarly virulent Court of High Commission; Samuel Rutherford was not the least of his victims. The area as a whole produced more than its fair share of supplications in the autumn of 1637, when Robert Baillie himself was organising something like a privy kirk in the presbytery of Irvine. Above all, the opposition to the Engagement assumed a different, and more violent, character in the south west. In June 1648, the opposition magnates met at Riccarton and resolved,

with the approval of Argyll and the more orthodox of the ministers, to do nothing and, to this extent, the south west followed the pattern of passive resistance established elsewhere. But there was nothing passive about the moonlight communion held on Mauchline Moor. Here seven ministers and an armed congregation of 2,000 resolved, courageously if a trifle uselessly, to fight. Shortly afterwards, the army of General Munro, in passage from Ulster to join Hamilton's army in England, had to fight its way through Galloway as though it had been a hostile country. As soon as the news from Preston had trickled back to Scotland, the south west rose again, this time with the consent of its magnates, and thrust itself under the command of David Leslie. After Dunbar, a very similar army, again drawn almost exclusively from the south west, spurned Leslie and chose generals more to its own decidedly radical liking. The army of the Western Remonstrance, again following a pattern peculiar to the south west, dissociated itself from the rest of the kingdom and followed a totally individual line of its own. It also established a close, if somewhat ambiguous, relationship with the radical ministers. The privy kirk could, or so it might be argued, claim an existence of its own quite apart from the ministers; but it seemed, as though by instinct, to seek clerical leadership.

It is evident that the privy kirk was peculiar to the south west and it is not unreasonable to suppose that

it was in some way related to the social structure of the region. It is known that, at a much later date, a very high proportion of the "bonnet lairds" of Scotland held land in the five south western shires of Lanark, Renfrew, Ayr, Kirkcudbright and Dumfries (6) - and the first four of these were strongholds of the privy kirk. It is difficult to translate this into seventeenth century terms since the surviving valuation material is too sparse to allow of confident generalisation; but it is at least possible to believe that the south west had a more fragmented pattern of land ownership than the rest of Scotland. Furthermore, the researches of Dr. Sanderson seem to suggest that "rentalling" - that is the practice of allotting land to tenants on a formal lease granted for life and the custom of renewing the lease to the heir of the previous tenant - had been more common on church land in the south west than it was elsewhere. This form of tenure prevailed in the temporalities of Paisley, Kilwinning and the archbishopric of Glasgow as well as in the ecclesiastical barony of Kylesmure. It is true that rentalling was also common on the lands of Melrose, the parent house of Kylesmure, and of Newbattle; but it seems to have been an essentially south western form of

(6) T. C. Smout, A History of the Scottish People, 1560-1830, 1969, pp. 137, 284-5.

tenure (7). The implications of this are far reaching enough, for it also seems likely that the mainly pastoral tenants of the south west paid their rents, like pastoral farmers throughout Scotland, in money rather than in kind; this was certainly true of most of the Ayrshire parishes in the 1640's (8). The combination of long, and often heritable, leases with rents calculated in money can surely only have one meaning. Inflation must have tended to reduce the real value of rents. It is arguable that the tenants of the south western temporalities were at once wealthier and more independent than their counterparts elsewhere. It is possible, though obviously far from certain, that this was true of the tenants of the magnates as well. It is at least worth applying this hypothesis - for it is no more - to the evidence, sparse though it unfortunately is, thrown up by the Mauchline rising and its sequel.

Baillie describes the Clydesdale men, who formed the hard core of the Mauchline rising, as "yeomen" and this almost certainly indicates that most of them were husbandmen. Anywhere else in Scotland, this would almost

(7) M. H. B. Sanderson, "Kirkmen and their Tenants in the Era of the Reformation", in R.S.C.H.S., XVIII, 1972,

pp. 26-42. In saying this, the writer is not implying that tenant farmers elsewhere were insecure in their tenures. Dr. Sanderson has shown that leases were frequently renewed to the existing tenant or his heir.

(8) Valuation Rolls, Ayrshire, 1649 (parish totals).

certainly have meant that they were tenant farmers of some little substance; but, in the south west, a tenant was often a rentaller and a rentaller was somewhat difficult to distinguish from a feuar. It is probably fair to conclude that the yeomen of Clydesdale were either tenants, feuars or both. The rest of the "slashing communicants" were either deserters from Hamilton's army - and these could well have included some cottars and servants - or local men from Cunningham or Kyle. Baillie unfortunately says little about the latter, but he does remark that the force as a whole included very few "gentlemen or officers" and it seems fair to assume that it included nobody, or almost nobody, of a status higher than a small feuar. The hero who claimed the honour of wounding General Middleton was probably a village blacksmith. Due allowance must be made for Baillie's rather snobbish prejudices. He did not like the privy kirk and he may have wished to discredit it. But when all the allowances have been made, it does seem likely that the Mauchline Rising had some of the characteristics of a peasants' revolt. The privy kirk had no room for the "imperious masters" who held a separate, simultaneous and relatively sober meeting of their own at Riccarton (9). "Better", as James Guthrie was to say in an only slightly different context, "that they be of low degree if godly, than that they be of

(9) BLJ, III, pp. 48-9.

high degree if otherwise" (10).

The Whiggamore movement belonged to the godly of low degree, but its interest should not be allowed to exaggerate its importance. It was essentially regional in character; it was easily defeated at Mauchline; its subsequent prominence can fairly be attributed to Cromwell's victories at Preston and Dunbar; even then it might have amounted to very little had not the radical ministers chosen to use it in the service of a clerical church. Its real leaders were James Guthrie, Patrick Gillespie and Samuel Rutherford. Its most prominent layman was an Edinburgh advocate who had recently become Clerk Register; he too had motives of his own. It seems possible that John the Commonweil would have sympathised with the Whiggamores without actually supporting them. He complained bitterly about baronial irresponsibility and obviously wanted a strong central government to control it. Whatever else the privy kirk may have promised, it did not promise this. In England, where the puritan revolution reacted against a highly centralised bureaucracy, a rather similar group of social forces yielded a decentralised church and a proliferation of sects. In Scotland, where the Crown had traditionally been weak, decentralisation was inevitably suspect. The

(10) James Guthrie, A Treatise of Ruling Elders and Deacons, 1649, pp. 66-7.

privy kirk had no real meaning except insofar as it was able to attach itself to radical ministers anxious to further the cause of the state opposite to a state.

The Whiggamore movement was merely an episode in the long history of the silent revolution.

The rather loosely organised church established by the Tables in the Glasgow Assembly inevitably, and for the same reason, gave way to a centralised church dominated by its ministers. But this, the state opposite to a state, had social objectives not entirely unlike those of the Canterbury church which had provoked the original explosion and it suffered a rather similar fate. In a sense baronial Scotland outlived them all. But, if this is true, it is also misleading. For baronial Scotland was changing its nature. The lands of the civil magnates, unlike those of the Lords of Erection, had usually been left unfeued. Their rents, collected as they usually were in money rather than in kind, had resisted the inroads of inflation; indeed they were increasing in real terms with the gradual progress of agricultural techniques. The lairds and many of the Lords were riding the crest of the price revolution to an enviable affluence. The sixteenth century magnate was becoming an eighteenth century landowner. The baron, as the revocation had foreseen, was becoming a heritor. He came to accept the centralised state - though not the state opposite to a

state - as part of the natural order of things. The castle gave way, not to the cowshed, but to the mansion.

BIBLIOGRAPHY

This bibliography attempts to list all the primary sources consulted during the preparation of this thesis, together with those secondary sources which have, in one way or another, had a substantial influence on the author's approach to the subject.

A. Primary Sources, Manuscript.1. In the Scottish Record Office.(a) Church of Scotland Records.

Register of the Acts of the General Assemblies,
1638-46.

Minutes of the following Synods: Argyll (1639-45),
Fife (1638-51), Moray (1638-51), Perth and
Stirling (1639-51).

Minutes of the following Presbyteries: Ayr (1642-51),
Biggar (1644-50), Brechin (1639-53), Caithness
(1651-3), Cupar (1646-53), Dalkeith (1638-53),
Deer (1649-53), Dingwall (1649-53), Dumbarton
(1639-53), Dunbar (1652-3), Dunfermline (1647-72),
Dunoon (1639-53), Elgin (1638-43), Fordyce
(1640-53), Forres (1651-3), Haddington (1638-53),
Inverness (1638-44), Irvine (1646-50),
Jedburgh (1638-53), Kirkcaldy (1638-53), Lanark
(1638-53), Linlithgow (1639-53), Paisley (1638-53),
Peebles (1638-53), Stirling (1638-40),
Stranraer (1641-52).

Minutes of the following Kirk Sessions: Aberdalgie*,

Aberdeen (St. Nicholas), Aberdour, Aberlady,
 Alves, Alyth*, Anstruther Easter*, Anstruther
 Wester*, Arbroath*, Arbuthnot, Ardlach*,
 Auchterhouse, Auchtermuchty, Balmerino, Bathgate,
 Beath, Benvie*, Belhelvie, Blairgowrie*, Bolton,
 Botriphnie, Burntisland, Cambuslang, Canisbay,
 Canongate (1630-60), Cargill*, Carluke, Carnbee*,
 Carnock*, Carrington, Ceres, Channelkirk*,
 Cleish, Colinton, Colmonell, Corstorphine,
 Cortachy and Clova, Covington, Cramond, Culross,
 Dairsie, Dalgetty*, Dalkeith, Dalmellington, Dron,
 Duddingston*, Duffus, Dumfries*, Dunbarney,
 Dunblane, Dundonald, Dumfermline, Dunino, Dyce,
 Dyke*, Dysart, Echt*, Edinburgh (Old), (Trinity),
 Edzell*, Elgin, Ellon, Errol*, Falkirk, Falkland,
 Ferryport, Fetteresso, Fintry, Glasgow (Barony),
 Gordon, Grange, Greenlaw*, Humble, Hutton,
 Inchtute, Innerleithen, Inverary (English),
 Inveraven, Inveresk, Inverurie*, Kennoway*,
 Kettins*, Kettle*, Kilconquhar, Kilmadock,
 Kilrenny*, Kilspindie*, Kinfauns*, Kingarth,
 Kinghorn, Kinglassie*, Kinnaird, Kinneff and
 Catterline*, Kinnoul, Kirkcaldy, Kirkden*, Kirkliston,
 Kirkmichael*, Kirkoswald, Lamington and Wandel*,
 Largo*, Lasswade, Lesmahagow, Liberton, Liff*,
 Livingston, Logierait*, Longforgan, Longformacus*,
 Lyne, Mains*, Markinch, Melrose, Menmuir,

Mid-Calder, Moneydie, Monifieth*, Monikie*,
 Monimail, Mortlach, Newbattle, Newburgh, Newburn,
 Newton, North Leith, Oldhamstocks, Ormiston,
 Pencaitland, Penicuik, Petty, Prestonpans,
 Rattray, Rothiemay*, St. Andrews, St. Cuthberts,
 St. Ninians, Saltoun, Scone, Scoonie, Shotts,
 Skirling, South Queensferry, Sprouston, Stow,
 Symington*, Tealing*, Thurso, Torryburn*,

Tranent, Tweedsmuir, Tynningham, Wemyss, Yester.

n.b. The minutes of parishes marked with an asterisk are held by the Registrar General for Scotland in New Register House.

(b) Teind Records.

Sederunt Book of the Teind Commissioners.

Register to Supply Lost Records.

Miscellaneous Papers concerning Augmentations

relating to the following parishes: Abercorn,

Aberfoyle, Aberlady, Abernethie, Abertarft,

Aboyne, Alford, Alva, Alvah, Ardrossan, Ashkirk,

Auchindoir, Auchreddie, Auchtermuchty, Avoch, Ayr,

Ayton, Balfron, Belhelvie, Ballingrie, Balmerino,

Banchory-Ternan, Barry, Bonhill, Bothkennar,

Botriphnie, Burntisland, Calder Cleir, Cambusnethan,

Canonbie, Cargill, Caerlaverock, Carmunnock, Car-

stairs, Castleton, Cavers, Channelkirk, Chirnside,

Closeburn, Cookpen, Collessie, Conveth, Coulter,

Crichton, Cumbrae, Cumnock, Dalgetty, Dolphinton,

Dron, Drumelzier, Dull, Dunfermline, Dunlop,
 Dunning, Durris, Durisdeer, Earlstoun, Ecoles,
 Ecolesgrieg, Ecclesmachan, Ellon, Eyemouth,
 Falkirk, Findogask, Forgandenny, Fordoun, Fyvie,
 Gamrie, Gartley, Glasgow (Barony), Glencorse,
 Glenholm, Hownam, Humble, Hutton, Inehinnan,
 Innerwick, Inverchaolain, Inveresk, Inverkeillor,
 Inverkeithing, Inverkip, Kennethmont, Kettins,
 Kilbride, Kilbucho, Killearn, Killellan, Kilmalcolm,
 Kilmarnock, Kilrennie, Kinross, Kinclaven,
 Kingoldrum, Kinnoul, Kintore, Kippen, Kirkbride,
 Kirkcaldy, Kirkcowan, Kirkcudbright, Kirkmichael,
 Kirkoswald, Lamington, Langton, Largs, Lauder,
 Legerwood, Lenzie, Leuchars, Livingston, Logie,
 Longformacus, Maderty, Mains, Makerstoun, Maybole,
 Mertoun, Minigaff, Monikie, Monkland, Morebattle,
 Morton, Moulin, Muirkirk, Murroes, Muthill,
 Neilston, Newbattle, Newburn, Newton, Newtyle, Nigg,
 Ochiltree, Orwell, Oxnam, Paisley, Parton, Pitten-
 weem, Penpont, Perth, Peterhead, Redgorton,
 Rhynie, Rosneath, St. Quivox, Saltoun, Scone,
 Soutra, Sprouston, Stewarton, Stobo, Stow, Stoney-
 kirk, Strathmiglo, Symington, Tarbolton, Tibbermore,
 Torphichen, Tullich, Twynholm, Tynron, Walston,
 Wardlaw, Westruther, Wilton.

(c) Exchequer Records, Tax Rolls.

Valuations (parish totals), 1649, for the following
 shires: Midlothian, West Lothian, Selkirk, Roxburgh,

Berwick, Dumfries, Kirkcudbright, Wigtown, Ayr,
Renfrew, Lanark, Dunbarton, Stirling, Clack-
mannan, Fife, Forfar, Kincardine, Aberdeen, Banff,
Elgin, Nairn, Inverness, Sutherland.

Valuations (nominal rolls) for the following shires:

Haddington, Forfar.

Particular Tax Rolls for the following lordships:

Coupar-Angus, Culross, Scone.

Poll and Hearth Tax Rolls for the following

parishes: Cramond, Liberton, Penicuik,

St. Cuthberts, Stow.

(d) Miscellaneous.

Clerk of Penicuik Papers (rental, valuations,
court books, tax rolls).

Breadalbane Papers.

Court Book of the Barony of Callendar.

Miscellaneous papers relating to heritors' meetings.

2. In the Manuscript Department of the National Library
of Scotland.

Wodrow Collection (especially Folio and Quarto
series).

Lee Papers (notes from kirk session records; burgh
commissions to Glasgow Assembly).

Balcarres Papers.

Advocates Collection (list of patronage;
anonymous notes from kirk session records;
minutes of south east parish of Edinburgh).

Teind Valuation (probably for the King's
Annuity), ca. 1635.

3. In the Edinburgh City Archives.

Minutes of the Town Council.

Register of Burgesses.

Town Treasurer's Accounts.

Kirk Treasurer's Accounts.

College Treasurer's Accounts.

Bailies' Accounts.

Accounts of Collectors of Kirk Rents.

Extent Rolls of the burgh.

Minutes of the Hammermen of Edinburgh and the
Baxters, Hammermen, Wrights and Weavers of
Canongate.

Teind Rental for the parish of St. Cuthberts.

Papers relating to dispute between the burgh of
Edinburgh and the kirk session of South Leith.

4. In Glasgow City Archives.

Minutes of the Town Council.

Minutes of the Presbytery of Glasgow.

B. Primary Sources, Printed.

Acts of the Parliament of Scotland,

Register of the Privy Council of Scotland,

Registrum Magni Sigilli Regum Scotorum.

Retours.

Laing Charters (Ed. D. Laing).

Records of the Kirk (Ed. A. Peterkin), 1843.

Calendar of State Papers, Domestic.

Acts and Ordinances of the Interregnum, 1642-60, (Ed.

C. H. Firth and R. S. Rait), 3 vols.

The Scots Peerage, (Ed. Sir J. B. Paul), 9 vols.,
1904-14.

Fasti Ecclesiae Scoticae, 8 vols., 1915-50.

Senators of the College of Justice, (Ed. G. Brunton &
D. Haig), 1832.

Rental of the County of Perth, 1649, compared with ...
1835, (Ed. W. Gloag), 1835.

The Session Book of Dundonald (Ed. H. Paton) 1936.

Calvin, Institutes of the Christian Religion.

J. Knox, History of the Reformation, (Ed. W. C.
Dickinson), 2 vols.

Letters of Samuel Rutherford, (Ed. A. A. Bonar), 1891.

W. C. Abbot, Writings and Speeches of Oliver Cromwell,
4 vols.

A. Stevenson, History of the Church of Scotland, 1753,
4 vols.

G. Burnet, Memoir of James and William Dukes of
Hamilton, 1852.

Historical Works of Sir James Balfour, 4 vols., 1824-5.

The Large Declaration of Charles I, 1639.

J. Connel, A Treatise of the Law of Scotland respecting
Tithes, 1815, 3 vols.

Abbotsford Club.

7. Selections from the Minutes of the Presbyteries of

St. Andrews and Cupar, 1641-8. (Ed. G. R. Kinloch).
8. Selections from the Minutes of the Synod of Fife,
1611-87, (Ed. G. R. Kinloch).

16. Selections from the Registers of the Presbytery
of Lanark, 1623-1709, (Ed. J. Robertson).

Bannatyne Club.

25. History of the Troubles ... in Scotland and
England, 1624-45, by J. Spalding, (Ed. J. Shene).

28. Memoirs of his own Life and Times, by Sir James
Turner, 1632-70, (Ed. T. Thomson).

37. A Relation ... by John, Earl of Rothes, 1637-8,
(Ed. D. Laing).

52. Diary, 1650-67, of John Nicoll, (Ed. D. Laing).

73. Letters and Journals of Robert Baillie, 1637-62,
(Ed. D. Laing) 3 vols.

76. Diary, 1633-45, of Sir Thomas Hope of Craighall,
(Ed. T. Thomson).

81. Acts and Proceedings of the General Assemblies of
the Church of Scotland, 1560-1618, (Ed. T. Thomson)
3 vols.

93. History of the Church of Scotland, by John
Spottiswood, (Ed. M. Russell and M. Napier) 3 vols.

Fasti Ecclesiae Sooticanae, by Hew Scott, 3 vols.

Grampian Club.

The Staggering State of Scottish Statesman, 1550-1650.
(Ed. C. Rogers).

Maitland Club.

5. Register of Ministers ... and their Stipends after the Reformation, (Ed. A. Macdonald).

34. Reports on the State of Certain Parishes, 1627, (Ed. A. Macdonald).

55. History of the Kirk of Scotland by John Row.

66. Memorials of Montrose, (Ed. M. Napier) 2 vols.

Scottish Burgh Records Society.

Extracts from the Records of the Burgh of Edinburgh, (Ed. J. D. Marwick and M. Wood) 8 vols., (1528-1665 only).

Extracts from the Records of the Burgh of Glasgow, (Ed. J. D. Marwick) 2 vols., (1573-1662 only).

Extracts from the Records of the Burgh of Aberdeen, (Ed. J. Stuart) 2 vols., (1625-1647 only).

Extracts from the Records of the Burgh of Stirling, (Ed. R. Renwick) 1 vol., (1519-1666 only).

Records of the Convention of Royal Burghs, (Ed. J. D. Marwick) 3 vols., (1597-1676 only).

Scottish History Society.

4, 7. Register of the Kirk Session of St. Andrews, 1559-60, (Ed. D. H. Fleming).

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- Scottish Record Society.
- Burgesses and Guild Brethren of Edinburgh, 1406-1700.
- Burgesses and Guild Brethren of Glasgow, 1573-1750.
- Burgesses of the Burgh of Canongate, 1622-1733.
- Register of Marriages in the Parish of Edinburgh, 1595-1700.
- Register of Apprentices of the City of Edinburgh, 1583-1666.
- Registers of Testaments of Edinburgh, 1601-1700;
Inverness, 1630-1800; Hamilton and Campsie, 1564-1800;

Glasgow, 1547-1800; St. Andrews, 1549-1800;
Brechin, 1576-1800; Dumfries, 1624-1800; Dunblane,
1539-1800; Lauder, 1561-1800; Lanark, 1595-1800;
Orkney and Shetland, 1611-84; Stirling, 1607-1800.

Faculty of Advocates in Scotland, 1532-1943.

Parishes of Medieval Scotland.

Scottish Parish Clergy at the Reformation, 1540-74.

Records of the Church of Scotland.

Spalding Club.

4. History of Scots Affairs, 1837-41, by James Gordon,

(Ed. J. Robertson and G. Grub).

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1631-54, (Ed. T. Constable).

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1639-45, (Ed. J. Dunn).

Wodrow Society.

4. History of the Kirk by John Row, (Ed. D. Laing).

7. History of the Kirk by David Calderwood, (Ed.

T. Thomson and D. Laing) 8 vols.

13. Life of Robert Blair, (Ed. T. McCrie).

Hamilton Papers, (Ed. S. R. Gardiner) in Camden
Society, 1880.

C. Secondary Sources.

J. W. Allen, History of Political Thought in the
Sixteenth Century, 1928.

J. Buchan, Montrose, 1928.

R. W. Cochran-Patrick, Records of the Coinage of
Scotland, 2 vols., 1876.

- W. C. Dickinson and G. S. Pryde, New History of Scotland, 2 vols., 1962.
- G. Donaldson, Scottish Reformation, 1960.
- G. Donaldson, Scotland - James V to James VII, 1965.
- G. Donaldson, Making of the Scottish Prayer Book of 1637, 1954.
- G. Donaldson, Scottish Kings, 1967.
- S. R. Gardiner, History of England, 1603-41, 10 vols., 1883-4.
- S. R. Gardiner, History of the Great Civil War, 4 vols., 1894.
- I. F. Grant, Social and Economic History of Scotland before 1603, 1930.
- W. Haller, Rise of Puritanism, 1938.
- W. Haller, Liberty and Reformation in the Puritan Revolution, 1955.
- G. D. Henderson, Scottish Ruling Elder, 1935.
- G. D. Henderson, Religious Life in Seventeenth Century Scotland, 1937.
- J. K. Hewison, The Covenanters, 2 vols., 1913.
- J. H. Hexter, Reign of King Pym, 1941.
- C. Hill, Economic Problems of the Church, 1956.
- R. G. E. Lythe, Economy of Scotland, 1550-1625, 1960.
- D. Mathew, Scotland Under Charles I, 1955.
- W. L. Mathieson, Politics and Religion, 2 vols., 1902.
- W. Monter, Calvin's Geneva, 1967.
- T. I. Rae, Administration of the Scottish Frontier, 1966.

- R. S. Rait, Parliaments of Scotland, 1924.
- D. Shaw, General Assemblies of the Church of Scotland, 1964.
- A. Simpson, Wealth of the Gentry, 1540-1660, 1961.
- T. C. Smout, History of the Scottish People, 1969.
- T. C. Smout, Scottish Trade on the Eve of the Union, 1963.
- C. S. Terry, Scottish Parliament, 1603-1707, 1905.
- C. V. Wedgwood, King's Peace, 1955.
- C. V. Wedgwood, King's War, 1958.
- J. Willcock, The Great Marquess, 1903.
- A. S. P. Woodhouse, Puritanism and Liberty, 1938.
- I. B. Cowan, "The Covenanters, a Review Article", in SHR, 47, I, p. 35.
- G. Donaldson, "Emergence of Schism in Seventeenth Century Scotland" in Schism, Heresy and Religious Protest, 1972.
- G. Donaldson, "Foundations of Anglo-Scottish Union", in Elizabethan Government and Society, 1961, p. 282.
- J. H. Hexter, "Problem of the Presbyterian Independents" in Reappraisals in History, 1961, p. 163.
- L. Kaplan, "Presbyterians and Independents in 1643" in English Historical Review, 84, p. 244.
- M. H. B. Sanderson, "Kirkmen and their Tenants in the Era of the Reformation", in RSCHS, 18, I, p. 26.
- M. H. B. Sanderson, "Some Aspects of the Church in Scottish Society in the Era of the Reformation", in RSCHS, 17, II, p. 81.

- D. Stevenson, "The Financing of the Cause of the Covenants, 1638-51", in SHR, 51, p. 89.
- H. R. Trevor-Roper, "The Gentry, 1540-1640", in Economic History Review, Supplement, no. 1, 1952.
- H. R. Trevor-Roper, "Scotland and the Puritan Revolution" in Historical Essays Presented to David Ogg, 1962, p. 78.
- W. Baird, Annals of Duddingston, 1900.
- R. Gillespie, Round about Falkirk, 1879.
- G. Good, Liberton in Ancient and Modern Times, 1896.
- J. Mackay, History of the Burgh of Canongate, 1886.
- G. I. Murray, Records of Falkirk Parish, 1617-1888, 2 vols., 1887, 8.
- D. Robertson, South Leith Records, 2 vols., 1911.
- G. V. Selway, A Midlothian Village, 1890.
- W. Sime, History of Church and Parish of St. Cuthbert, 1829.
- T. Speedy, Craigmillar and its Environs, 1892.
- J. J. Wilson, Annals of Penicuik, 1891.
- T. Wilson, Stow of Wedale, 1917.
- J. P. Wood, Ancient and Modern State of the Parish of Cramond, 1794.
- R. H. Groome, Ordnance Gazetteer of Scotland, 6 vols. Statistical Account of Scotland.
New Statistical Account of Scotland.
- D. Unpublished Theses.
- A. B. Birchler, "The Influence of the Scottish Clergy on Politics, 1616-38", Nebraska, 1966.

D. J. Bryden, "The Finances of James VI", Edinburgh
1925.

W. R. Foster, "Ecclesiastical Administration in
Scotland, 1600-38", Edinburgh, 1963.